

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 29th OF SEPTEMBER, 2023

MISC. CRIMINAL CASE No. 43533 of 2023

BETWEEN:-

**AASHARAM S/O DHUDHRIYA JAMRE, AGED
ABOUT 22 YEARS, VILL. BHALABARDI, DHAWALI,
SENDHWA DIST. BARWANI (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI DILIP CHOURASIA- ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
WARLA DISTRICT BARWANI (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SANTOSH THAKUR GA)

*This application coming on for admission this day, the court passed
the following:*

ORDER

This is the first application filed by the applicant for grant of regular bail under section 439 of the Code of Criminal Procedure, 1973 relating to FIR No.331/2023 registered at P.S- Warla, Barwani (M.P.) for the offence under section 34(2) and 49-A of M.P. Excise Act.

2/ As per prosecution story, the applicant was found in possession of 60 bulk liters spirit liquor being unfit for human consumption. Accordingly, the aforementioned offence was registered and he was arrested.

3/ Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. Applicant is in custody since 08/09/2023. He is permanent resident of District-Barwani. He is not having any criminal past. There is no apprehension of his fleeing away from the court of justice. Final conclusion of trial shall take sufficient long time. Hence, he prays that the applicant be released on bail.

4/ *Per-contra*, learned counsel for respondent – State opposes the bail application and prays for its rejection, but fairly admits that no criminal antecedent has been found against the applicant.

5/ Perused the impugned order of the trial Court as well as the case diary.

6/ Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that the applicant is not having any criminal past; he is in custody since 08/09/2023 and final conclusion of trial shall take sufficient long time, in view of the evidence available on record, I deem it proper to release the accused / applicant on bail.

7/ Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail on his furnishing personal bond in the sum of **Rs. 70,000/- (Rs. Seventy Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required.

8/ He shall abide by all the conditions enumerated u/S. 437(3) Cr.P.C.,

9/ It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand

cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

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