

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

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 6th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 52462 of 2023

BETWEEN:-

**PARSU S/O JUVAAN SINGH MEDA, AGED ABOUT 27
YEARS, OCCUPATION: AGRICULTURIST VILLAGE-
WAGHNERA, TEHSIL-JHABUA (MADHYA PRADESH)**

.....APPLICANT

**(SHRI DHARMENDRA KHANCHANDANI, LEARNED COUNSEL FOR THE
PETITIONER).**

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER PS KAALIDEVI (MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI SURENDRA GUPTA APPEARING ON BEHALF OF ADVOCATE
GENERAL).**

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

ORDER

They are heard and perused the case diary.

This is the first bail application under Section 439 of the Code of Criminal Procedure filed on behalf of the applicant for grant of bail in connection with Crime No.350/2023, registered at Police Station-Kalidevi, District-Jhabua (M.P.), for the offence under Sections 34(2) of M.P. Excise Act. The applicant is in custody since 02.10.2023.

(2) As per prosecution story, 70 bulk liters illicit liquor is said to be seized from the applicant.

(3) Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. Investigation is over and chargesheet has been filed. He is in jail since 02.10.2023. The case is triable by Judicial Magistrate First Class and conclusion of trial will take a long time. Under these circumstances, applicant counsel prays for grant of bail.

(4) Learned counsel for the respondent/State opposes the bail application and prays for its rejection by submitting that the applicant is having criminal records of 12 cases.

(5) In reply, counsel for the applicant submitted that only on the basis of criminal records, the accused cannot be kept in jail for a long time.

(6) After hearing learned counsel for the parties and looking to the facts and circumstances of the case and quantity of the liquor, I am of the view that it is a case, in which applicant may be released on bail. Consequently without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

(7) It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

(8). This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

**(PREM NARAYAN SINGH)
JUDGE**

VD

