

1
**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. 53074 of 2023

BETWEEN:-

**CHETAN S/O JAGDISH, AGED ABOUT 25 YEARS,
OCCUPATION: PRIVATE NOKRI PIPLIYARAW KANKAD
DEWAS NAKA INDORE (MADHYA PRADESH)**

.....APPLICANT

(SHRI VIJENDRA GEHLOT, LEARNED COUNSEL FOR THE PETITIONER).

AND

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

.....RESPONDENTS

**(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 first application under Section 439 of Cr.P.C. filed by the applicant for grant of bail. The applicant has been implicated in connection with Crime No.793/2023, registered at Police Station -Khajrana, District Indore, for offences punishable under Sections 34(1) and 49-A of M.P. Excise Act. The applicant is in custody since 15.10.2023.

2. As per prosecution case, 05 liters illicit liquor (spurious liquor) has been seized from the possession of the present applicant. Accordingly, a case has been registered against him.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The applicant is in custody since 15.10.2023. The Offence is triable by Judicial Magistrate First Class and the conclusion of trial will take sufficient long time. On the aforesaid grounds, prayer is made to release the applicant on bail.

4. Learned counsel for the respondent/State has opposed the application and prayed for its rejection.

5. Looking to the facts and circumstances of the case, on a perusal of the material available on record including the case diary, without commenting on the merits of the case, this application is allowed.

6. It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/-(Rupees 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) Cr.P.C.

7. It is also made clear that if in the FSL report it is found that the liquor is spurious then this bail order shall stand cancelled without further reference to this Court and the applicant shall surrender before the trial Court.

This M.Cr.C. stands allowed and disposed of.

Certified copy, as per Rules.

(PREM NARAYAN SINGH)
JUDGE