

1  
**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

**ON THE 25<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 16616 of 2024**

**BETWEEN:-**

**REKHABAI W/O RAKESH GIRWAL, AGED ABOUT 37  
YEARS, OCCUPATION: AGRICULTURE AND HOUSE  
WIFE 45, CHASHIYA, GOUKLIYA KUND, KANERIYA,  
POST MANPUR, DISTT. INDORE (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI OMPRAKASH SOLANKI, ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION EXCISE CIRCLE-  
2, MHOW, DISTT. INDORE (MADHYA PRADESH)**

**.....RESPONDENTS**

***(MS. URMILA MALVIYA PL )***

.....

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

**ORDER**

Heard and perused the record.

This is first bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail. The applicant is arrested in relation to Crime/FIR No.50/2024, dated (not mentioned) registered at Police Station Excise Circle Mhow, District-Indore (MP) for offence under Section 34(2) of M.P. Excise Act 1915. Applicant is in custody since 11.04.2024.

2. As per prosecution story, 53.28 bulk liters of country made illicit

liquor is said to be seized from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. The applicant is in jail since 11.04.2024. The case is triable by Judicial Magistrate First Class and final conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

4. On the other hand, learned counsel for the State has opposed the prayer and prayed for rejection of the bail application.

5. 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.

6. It is directed that applicant 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 his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. 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.

VD

