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

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

ON THE 15th OF MAY, 2024

MISC. CRIMINAL CASE No. 16984 of 2024

BETWEEN:-

**JITENDRA JAISWAL S/O SUNDARLAL JAISWAL, AGED
ABOUT 40 YEARS, OCCUPATION: LABOUR AGAR ROAD,
SURASA, GHATTIYA KAALIYADEH, TEHSIL AND DIST.
UJJAIN (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI MANU MAHESHWARI, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH P.S. AARAKSHI KENDRA AABKARI
VIBHAG, DIST. AND TEHSIL UJJAIN (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI GAURAV RAWAT, DY. GOVERNMENT ADVOCATE)

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

ORDER

Heard and perused the record.

This first bail application has been filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail relating to Crime No.03/2024 dated (not mentioned), registered at Police Station-Excise Department, District-Ujjain (M.P.) for the offence under Section 34(2) of the M.P. Excise Act, 1915. The applicant is in custody since 03.04.2024.

2. As prosecution story, 57 bulk litres of illicit country made liquor has been seized from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. Only 57 bulk liters of country made liquor has been seized. The applicant is in custody since 03.04.2024 i.e. more than one month. The case is triable by Judicial Magistrate First Class and the final conclusion of the trial is likely to take sufficient long time, hence, it is prayed that the applicant is entitled to be released on bail.

4. Learned counsel for the respondent/State opposed the prayer and prayed for its rejection by submitting that there are many criminal cases registered against the applicant.

5. In reply, learned counsel for applicant has submitted that all previous criminal record registered against the applicant, is of prior to the year 2020 and only on the basis of criminal record, no one can be kept in jail for indefinite period.

6. After hearing learned counsel for the parties and looking to the facts and circumstances of the case, 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, 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 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.

8. By way of abundant caution, it is further directed that the applicant

shall also mark his presence before the concerned Police Station **on third Sunday of every month** between 10.00 am to 12.00 noon till completion of the investigation. Any default in attendance in marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take action in accordance with law.

9. 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.

Vindesh



(PREM NARAYAN SINGH)
JUDGE