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MCRC-43918-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17th OF OCTOBER, 2024MISC. CRIMINAL CASE No. 43918 of 2024*RAJESH CHOUHAN**Versus**M.P. STATE*

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Appearance:

Shri Saransh K. Sahu advocate for the applicant.

Shri Santosh Singh Thakur public prosecutor for state.

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ORDER

This *first* bail application has been filed by applicant under Section 483 of B.N.S.S., 2023 for grant of bail in connection with Crime No. 226/2024 registered at Police Station, Excise Circle Ghatia (05) District Ujjain (M.P.) for an offence punishable under Sections 34(1) and 34(2) of M.P. Excise Act. The applicant is in judicial custody since 10.09.2024.

As per the case of prosecution, on 10.9.2024, officials of Excise Circle Ghatia District Ujjain(M.P.), on secret intimation conducted a raid at the house of Rajesh Chouhan (applicant) at village Jalva. On search of the house, country-made plain liquor and country-made Masala liquor total quantity 124.02 bulk liters was recovered. The illicit liquor were seized in due compliance with the procedure. Police Station - Excise Circle, Ghatia registered FIR at crime No. 226/2024 for the offence registered under Section 34(1) & 34(2) of MP Excise Act against the applicant. Applicant



Rajesh was arrested on the spot and he is in custody ever since. Statements of witnesses have been recorded. Relevant seizures have been made. Investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, contends that applicant has been falsely implicated in this matter. No offence as alleged is committed by the applicant. The applicant is aged around 35 years. He is labourer by profession. There is no likelihood of his absconsion leaving behind his family, home and profession. No further custodial interrogation is needed. There is no likelihood of tampering with evidence by the applicant. The trial would take time to conclude. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application and cites two criminal antecedents against the applicant.

In reply, learned counsel for the applicant submits that in one of the matter, applicant has been acquitted. In other matter, trial is undergoing. He has never been convicted for any offence.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.



Accordingly, it is directed that **applicant- *Rajesh Chouhan*** shall be released on bail in relation to Crime No. 226 of 2024 registered at Police Station Excise Circle Ghatia (05) District Ujjain(M.P.) for offence punishable under Sections 34(1)& 34(2) of MP Excise Act, upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions, : (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा ।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा ।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो ।

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा ।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 of Bharatiya Nagarik



Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा ।

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE