



1

MCRC-51315-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 2<sup>nd</sup> OF DECEMBER, 2024MISC. CRIMINAL CASE No. 51315 of 2024*ROSHAN AND OTHERS**Versus**THE STATE OF MADHYA PRADESH*

.....  
Appearance:

Ms. Sarika Athale , learned counsel for the applicants.

Shri Viraj Godha GA for the State.

.....

ORDER

This first application has been filed by applicants under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 274/2024 registered at Police Station - Kalidevi, Jhabua, District Jhabua (M.P.) for offence punishable under Sections 34(2) and 36 of M.P. Excise Act. Applicants are in judicial custody since 12/11/2024.

As per the case of prosecution, police station- Kalidevi received secret information that illicit liquor is being transported through a white colored car bearing registration no. M.P. 09-CL-4302. Acting upon the said information, the police intercepted the alleged car. On search of the vehicles, 322.54 bulk liters country-made foreign liquor beer and whisky was recovered from the joint possession of Roshan, who was driving the car and Kamlesh, who was sitting next to him. They could not produce any licence for possession of illicit liquor. The vehicles and the illicit liquor were seized in due compliance



with the procedure. The applicants were arrested on the spot on 12/11/2024. PS- Kalidevi, registered the FIR at crime no. 274/2024 for the offence punishable under Sections 34(2) and 36 of M.P. Excise Act. against the applicants and they are in custody ever since. The investigation is underway.

Learned Counsel for the applicants, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in the matter. The applicants are aged around 27 and 26 years respectively. Applicant Roshan is a labourer and Kamlesh is a student by profession. There is no likelihood of absconsion leaving their family and home. No criminal antecedent is reported against them. No further custodial interrogation is needed in the matter. The alleged offence is triable by JMFC. There is no likelihood of tampering with remaining evidence by the applicants. Trial would take time to conclude. Therefore, applicants may be extended the benefit of bail.

*Per contra*, learned Counsel for the State opposes the bail application on the ground of gravity of alleged 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 applicants on bail. Thus, the application is allowed.

Accordingly, it is directed that **appellants - Roshan and Kamlesh** shall be released on bail in connection with the Crime as stated in para – 1 of this order, upon furnishing personal bond and surety bond of amount, as may be



considered appropriate by the Trial Court/the Committal Court for compliance with conditions, as may be imposed by such Court, to secure presence of the appellant for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

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

The concerned Court shall get the 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

amol