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MCRC-51350-2024

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. 51350 of 2024*SURESH**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Nilesh Dave, Advocate for the applicant.*

*Shri Rahul Solanki, Govt. Advocate for the respondent/State.*

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ORDER

This *first* application has been filed by applicants under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No.600/2024 registered at Excise Circle, Khargone'C', District Khargone(M.P.) for offence punishable under Section 34(2) of M.P. Excise Act, 1915. Applicants are in judicial custody since 18.11.2024.

As per the case of prosecution, on 14.10.2024, P.S. Excise Circle, Khargone 'C' received discrete information about transporting of illicit liquor. Police team reached at the spot and intercepted Hero Honda CBZ motorcycle bearing registration no.MP-46-ME-3291. Total quantity of 66 bulk litre of country made foreign liquor(beer) was recovered from the said vehicle. During investigation, the applicant was implicated in the alleged crime. On such allegations, Excise Circle Khargone 'C' District Khargone registered FIR at Crime No.600/24 for offence punishable under Section



34(2) of M.P. Excise Act against applicant - Suresh. The applicant was arrested on 18.11.2024. He is in custody ever since. The investigation is underway.

Learned Counsel for the applicant in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in the matter. No offence as alleged is committed by the applicant. Applicant Suresh is aged around 30 years. He is labourer by profession and sole breadwinner of his family. There is no likelihood of absconsion leaving his family, home and profession. No criminal antecedents of similar nature is reported against the present applicant. There is no likelihood of tampering with evidence by the applicant. The alleged offence is triable by Judicial Magistrate First Class. The trial would take time to complete. Therefore, applicant 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. However he fairly submits that no offence of similar nature is reported against the present applicant.

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

Considering the arguments advanced by both the parties, 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 - Suresh S/o Kuwarsingh**



**Dudve** shall be released on bail in connection with 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 applicants 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.

(SANJEEV S KALGAONKAR)  
JUDGE