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MCRC-15379-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 7th OF MAY, 2025

MISC. CRIMINAL CASE No. 15379 of 2025

SHERU KHAN S/O RAHMAN KHAN

AND

SHAHRUKH S/O AYYUB SHAH

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Applicants by Shri Rohit Bhati - Advocate.

Respondent - State of Madhya Pradesh by Shri Surendra Kumar Gupta

- Government Advocate appearing on behalf of Advocate General.
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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.99 of 2025 registered at Police Station- Ingoriya, District- Ujjain (M.P.) for offence punishable under Section 34 (2) of Madhya Pradesh Excise Act, 1915. Applicants are in judicial custody since 16.03.2025.

2 . As per the case of prosecution, Assistant Sub Inspector of Police - Dinesh Ninama of P.S.- Ingoriya, District Ujjain (MP) on 16.03.2025 upon secret information conducted a raid at village Dhureri. During search, illicit liquor total quantity 60 bulk liters of country made



liquor was recovered and seized. P.S. Ingoriya, District Ujjain (MP) registered FIR at Crime No.99 of 2025 for offence punishable under Section 34 (2) of Madhya Pradesh Excise Act, 1915 against accused - Sheru Khan and Shahrukh. They were arrested on 16.03.2025. On completion of the investigation, final report was submitted.

3. Learned counsel for the applicants, in addition to the grounds mentioned in the application, submits that the applicants have been falsely implicated in the matter. No offence, as alleged, is made out against the applicants. Learned counsel further submits that the applicants are aged about 38 and 31 years respectively. They are labourer by profession and the sole bread earner of the family. The trial would take time to conclude. Therefore, the applicants may be extended the benefit of bail.

4. *Per contra*, learned counsel for the respondent - State opposes the bail application on the ground of gravity of alleged offence and cites criminal antecedents of 8 (eight) and 3 (three) cases against applicants Sheru Khan and Shahrukh respectively, as per the list attached with the case diary.

5. In reply, learned counsel for the applicants submits that applicant Sheru Khan was sentenced to fine in relation to all the matter under Public Gambling Act and two matters relating to offence punishable under IPC are pending before the trial and applicant Sheru Khan has never been convicted for any major offence; and three criminal



antecedents of applicant Shahrukh are relating to offence punishable under Section 379 of IPC, which are pending and applicant Shahrukh has never been convicted for any major offence.

6 . Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

7. Allegedly, the country made liquor, total quantity 60 bulk liters, was recovered and seized from the possession of the applicants. The veracity of prosecution will be determined after evidence in trial. As informed, the applicants are aged around 38 and 31 years respectively. They are labourer by profession and are sole bread earner of their family. Considering this aspect, there appears to be no possibility of fleeing from justice. In absence of any substantial criminal past and previous conviction for any major offence, considering the socio-economic status of the applicants, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicants or repeating the offence. The alleged offence is triable by J.M.F.C. The trial would take time to conclude. There appears to be no compelling reason to continue incarceration of the applicants. However, the observations, herein-above, are recorded for present application only.

8. Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicants on bail. Thus, present application is **allowed**.



9. Accordingly, it is directed that **applicants- Sheru Khan S/o Rahman Khan and Shahrukh S/o hrilal** shall be released on bail in connection with Crime No. 38/2025 registered at Police Station Barsubgarh District Rajgadh (M.P.) for an offence punishable under Section 34 (2) of M.P. Excise Act, upon each of them furnishing a personal bond and surety bond of amount, as may be considered appropriate by the Trial Court for compliance with conditions, as may be imposed by such Court under Section 437 (3) of Cr.P.C. 1973 = Section 480 (3) of BNSS, 2023, to secure presence of the applicants for the trial.

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 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.

Certified copy, as per rules.

(SANJEEV S KALGAONKAR)
JUDGE