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MCRC-17756-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 25th OF APRIL, 2025MISC. CRIMINAL CASE No. 17756 of 2025*VIKENDRA**Versus**THE STATE OF MADHYA PRADESH*

Appearance:

Shri Nilesh Manore advocate for the applicant.

Shri Vinod Thakur public prosecutor for State.

ORDER

This *first* application has been filed by the applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No. 39/2025 registered at Police Station - Uday Nagar, District - Dewas, (M.P.) for offence punishable under Sections 34(2) of M.P. Excise Act. Applicant is in judicial custody since 09.04.2025.

As per the case of prosecution, Sanjay Kumar Sub Inspector of P.S. Uday Nagar received secret information about transporting liquor at the field near village Bisali. Police force of P.S. Uday Nagar reached on the spot and applicant Vikendra was found transporting country-made plain liquor and country-made foreign liquor without any license. Illicit liquor, total quantity 57.650 bulk litres, was recovered and seized from the possession of accused - Vikendra. P.S. Uday Nagar registered FIR at Crime No. 39/2025 for offence punishable under Section 34(2) of MP Excise Act against accused - Vikendra. The applicant was given notice under section 35 of BNSS, 2023. When charge-sheet was filed, he was



taken into custody on 09/04/2025. He is in custody ever since.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in the matter. No offence, as alleged, is made out against the applicant. Learned counsel further submits that the applicant is aged 22 years. He is in private service and sole bread earner of the family. The trial would take time to conclude. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence. However, after going through the case diary, he fairly states that no criminal antecedent is reported against the applicant as per the list enclosed on case diary.

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

Allegedly, the applicant was found transporting 57.650 bulk liters of country made foreign liquor without any valid permit. The veracity of prosecution will be determined after evidence in trial. The applicant is aged around 22 years and is in private service. He is the sole bread earner of his family. There appears to be no possibility of fleeing from justice. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of any criminal antecedent, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant or repeating the offence. The trial would take time to conclude. The offence is triable by the Court of Judicial Magistrate First Class. There appears to be no compelling reason to continue incarceration of the applicant. However, the



observations, herein-above, are recorded for present application only.

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 applicant on bail. Thus, present application is allowed.

Accordingly, it is directed that **applicant - Vikendra** 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 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 applicant 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.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE