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MCRC-23009-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17<sup>th</sup> OF SEPTEMBER, 2025MISC. CRIMINAL CASE No. 23009 of 2025*VEERU**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Manish Yadav advocate for the applicant.

Shri Amit Raval public prosecutor for State.

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ORDER

1. This first application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 for grant of regular bail in connection with Crime No. 125 of 2025 registered at Police Station- Boda, District- Rajgadh (M.P.) for offence punishable under Section 34(2) of the M.P. Excise Act. Applicant is in judicial custody since 17.04.2025.

2. Heard the arguments.

3. Perused the grounds for grant of bail stated in the application, case diary and the relevant material on record.

3. Learned counsel for the applicant in addition to the grounds mentioned in the application submits that the applicant is falsely implicated in the alleged offence. The liquor was not recovered from active and conscious possession of the applicant. The final report has been submitted on completion of investigation. There is no likelihood of tampering with evidence by the applicant for the reason that the applicant is a labourer by profession and is not capable to manipulate the



evidence. Jail incarceration is causing hardship to the applicant and dependent family. Applicant is ready to cooperate in the trial.

4. *Per contra*, learned counsel for the State opposed the application on the ground of gravity of alleged offence. Learned counsel for the State refers to nine criminal antecedents as mentioned in the case diary.

5. In reply, learned counsel for the applicant submits that in the matter relating to Crime Nos. 382/2018 and 204/2003 the applicant stands acquitted *vide* orders dated 7.6.2024 and 30.10.2009. In the matter relating to crime No. 259/2011 the applicant stands acquitted in view of the amicable settlement *vide* order dated 16.1.2016. The applicant has been sentenced to imprisonment of TRC and fine of Rs. 2000 in Crime no. 658/2014, registered at PS- Pachor for offence punishable under section 34 of M.P. Excise Act, other matters are pending for trial. The applicant has never been convicted for any major offence.

6. According to the material available on case diary, S.I. Bane Singh Bhilala of P.S. Boda with police force reached village Gulkhedi for arresting the absconded accused on 17.4.2025. When they reached the house of Veeru (applicant) at village Gulkhedi, the applicant was found in possession of country-made plain and foreign liquor, total quantity 54 bulk liters. The applicant could not produce valid permit / licence about the alleged liquor. He was apprehended on the spot. The trial is under way. The veracity of prosecution will be determined after evidence in the trial.

7. As informed, the applicant is aged around 34 years and is labourer by profession. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of substantial criminal past and previous conviction for any major offence, 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. The offence is triable by JMFC. There appears to be no compelling reason to continue incarceration of the applicant. 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 applicant on bail. Thus, the application is allowed.

9. Accordingly, it is directed that applicant- **Veeru Sansi** shall be released on bail in connection with Crime, as mentioned in first paragraph of this order, upon furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with one 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 asunder):-

(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 ।

10. 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.

11. 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

BDJ