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MCRC-40785-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 16th OF SEPTEMBER, 2025

MISC. CRIMINAL CASE No. 40785 of 2025

MAJNU

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Priyesh Bhawsar, Advocate for the applicant.

Shri Apoorv Joshi, Govt. Advocate for the respondent/State.

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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.253 of 2022, registered at Police Station - Boda, District Rajgadh (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act, 1915. Applicant is in judicial custody since 12.08.2025.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the matter on suspicion. The liquor was not seized from the conscious or immediate possession of the applicant. He is living in the same village. He was declared an absconder, but similar prosecutions were lodged against the applicant in the years 2019 and 2022 against the applicant on same address. The final report has been submitted on completion of investigation. Jail incarceration is causing hardship to the applicant. Applicant is ready to cooperate in the trial.

Per contra, learned counsel for the respondent/State opposes the bail



application on the ground of gravity of alleged offence and cites criminal antecedent of six cases against the applicant as per the list enclosed on case dairy.

In reply, learned counsel for the applicant submits that applicant stands acquitted in crime Nos. 273/2015, 392/2016 and 133/2006 *vide* orders dated 6.2.2021, 23.4.2018 and 6.4.2010 and the other matters are pending for trial. The applicant has never been convicted for any major offence.

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

According to the material available on case diary, Head Constable Babulal of P.S. Boda conducted a raid on 20.10.2022 at Village - Gulkhedi to verify the secret information. When police party reached house of Majnu, he fled away. On search of the house of Majnu, 230 bulk liters of country made foreign liquor was recovered and seized. The PS- Boda registered FIR for the offence punishable under sections 34(2) of M.P. Excise Act against absconder Majnu. Majnu was arrested on 12.08.2025. He is in custody ever since. The veracity of prosecution will be determined after evidence in the trial.

As informed, the applicant is aged around 40 years. He is a labourer by profession and has responsibility of dependent family. Considering this aspect, 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 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 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, however on certain stringent conditions in view of criminal antecedents of the applicant. Thus, the application is allowed.

Accordingly, it is directed that **applicant-Majnu** shall be released on bail in connection with the Crime, as mentioned in first paragraph of this order, upon furnishing a personal bond in the sum of **Rs. 75,000/-(Rupees Seventy 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 ।
- (6) *The applicant shall mark his presence before the SHO, P.S.- Boda, District Rajgadh (M.P.) on first Saturday of every month till conclusion of trial. A copy of this order be forwarded to the concerned SHO for compliance with the case diary.*

This order shall be effective till the end of trial. However, in case of breach of any of the pre-conditions of bail, it shall become ineffective without reference to the Court.

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/she had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

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