IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 12th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 1525 of 2024

BETWEEN:-

1. **JITENDRA GOUD S/O SHRI RAMNIWAS GOUD, AGED ABOUT 24 YEARS, BANKHANDI ROAD GOPALPURA DISTRICT MORENA (MADHYA PRADESH)**

2. **PREMKANT S/O SHRI RAMVEER, AGED ABOUT 24 YEARS, R/O BANKHANDI ROAD GOPALPURA, MORENA (MADHYA PRADESH)**

.....APPLICANTS

(BY MR. RAJMANI BANSAL - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION RITHORAKALA DISTRICT MORENA (MADHYA PRADESH)

.....RESPONDENT

(BY MR. P. TANWAR - PANEL LAWYER)

This application coming on for admission this day, the court passed the following:

ORDER

This is the first application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 226 of 2023 registered at Police Station Rithorakalan, District Morena (M.P.) for the offence under Section 34 (2) of Excise Act.

Allegation against the present applicant is that 225 bulk litres of illicit liquor has been seized from the joint possession of applicants for which they

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were not having any valid license.

Learned counsel for the applicants argued that the applicants are innocent and have been falsely implicated. It is further argued that the applicant is in custody since 22.12.2023. Investigation has already been completed and charge-sheet has been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Offence is triable by JMFC and trial is likely to take long time to conclude. Applicant is the permanent resident of District Morena (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 50,000 (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court/committal court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1) The applicant will comply with all the terms and conditions of the bond executed by him;

2) The applicant will cooperate in the investigation/trial, as the case may be;

3) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from

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disclosing such facts to the Court or to the Police Officer, as the case may be;

4) The applicant will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.

5) The applicant will not seek unnecessary adjournments during the trial; and

6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

AKS

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