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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 29th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 3611 of 2024

BETWEEN:-

**CHOTU@DHARMENDRA PARIHAR S/O SHRI DAULAT
PARIHAR, AGED ABOUT 28 YEARS, R/O VILLAGE
BHAINSRVAN, TEHSIL KARAHAL DISTRICT SHEOPUR
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ABHISHEK SINGH BHADORIYA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KARAHAL DISTRICT SHEOPUR (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI PRABHAT PATERIYA - DY. PUBLIC PROSECUTOR)

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

ORDER

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 217 of 2023 registered at Police Station Karahal, District Sheopur (M.P.) for the offence under Section 34 (2) of Excise Act.

As per prosecution story, 80 liters of illicit liquor has been seized from possession of co-accused -Pooram Kushwah without having any license.

Counsel for the applicant argued that present applicant has been implicated in the present case only on the basis of memorandum of co-accused.

Alleged liquor has not been seized from his possession. Co-accused-Pooran Kushwah has already been granted bail by this Court vide order dated 06.11.2023 in M.Cr.C. NO. 46268 of 2023. He is having no criminal history. Offence is triable by JMFC and trial is likely to take long time to conclude. Applicant is the permanent resident of District Sheopur (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 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.

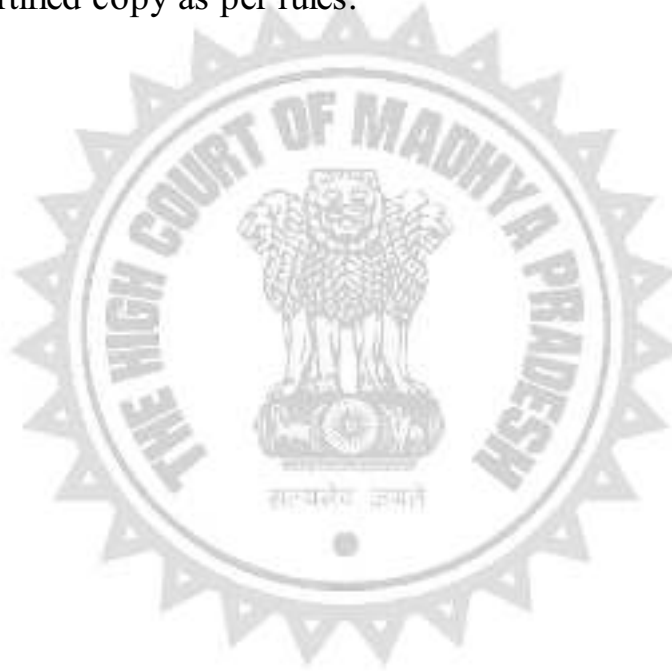
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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.

(LJ*)



(SUNITA YADAV)
JUDGE