IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 1st OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4229 of 2024

BETWEEN:-

DHARMENDRA S/O SHRI THOBAN SINGH, AGED ABOUT 35 YEARS, GRAM SAFSOL THANA PATHARIYA TEHSIL SIROJ DISTRICT VIDISHA (MADHYA PRADESH)

.....APPLICANT

(BY MR. ASHIRBAD DWIVEDI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION PATHARIYA DISTRICT VIDISHA (MADHYA PRADESH)

.....RESPONDENTS

(BY MR. RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

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

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 02 of 2024 registered at Police Station Pathariya, District Vidisha (M.P.) for the offence under Section 34 (2) of Excise Act.

As per prosecution story, 63 liters of illicit liquor has been seized from the joint possession of present applicant and co-accused person without having any license.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the applicant is in

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custody since 07.01.2024. Co-accused - Ajay has already been granted the benefit of regular bail by this Court vide order dated 23.1.2024 passed in M.Cr.C. No. 2741 of 2024. Offence is triable by JMFC and trial is likely to take long time to conclude. Applicant has is permanent resident of District Vidisha (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. In case, if he/she is found involving in the offence of same nature, this bail

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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

(LJ*)

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