IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4445 of 2024

BETWEEN:-

DARSHAN YADAV S/O SHRI BABULAL YADAV, AGED ABOUT 40 YEARS, VILLAGE SUJA PATHARI DISTRICT VIDISHA (MADHYA PRADESH)

.....APPLICANT

(BY MR. SUSHIL GOSWAMI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION PATHARI DISTRICT VIDISHA M.P. (MADHYA PRADESH)

.....RESPONDENT

(BY MR. PRABHAKAR KUSHWAH - PANEL LAWYER)

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.192 of 2023 registered at Police Station Pathari, District Vidisha (M.P.) for the offence under Section 34 (2) of the Excise Act.

Allegation against the present applicant is that 65.700 litres of illicit liquor has been seized from the possession of applicant.

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 custody since 26.12.2023. Offence is triable by JMFC and trial is likely to take

Signature Not Verified
Signed by: ALOK KUMAR
Signing time: 2/2/2024
04:24:30 AM

long time to conclude. Applicant is the permanent resident of District Vidisha (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Co-accused Kallu @ Mahendra Singh has already been granted bail by this Court by order dated 24.1.2024 passed in MCRC No.3144 of 2024 and case of the present applicant is in parity with co-accused. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the respondent/State vehemently opposed the bail application citing criminal history of the applicant 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.25,000 (Rupees Twenty Five 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;

Signature Not Verified
Signed by: ALOK KUMAR
Signing time: 1/2/2024
04:24:30 AM

4) The applicant shall not commit an offence similar to the offence of which he is accused;

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

Signature Not Verified
Signed by: ALOK KUMAR
Signing time: 1/2/2024
04:24:30 AM