# 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. 4627 of 2024**

**BETWEEN:-**

**CHHOTU SHAKYA S/O RATANLAL SHAKYA, AGED ABOUT 25 YEARS, OCCUPATION: AGRICULTURE VILLAGE JASRAJPUR P.S. SIRSOD DISTRICT SHIVPURI (MADHYA PRADESH)**

**.....APPLICANT**

***(BY MR. VIPUL BILGAIYAN - ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION KOTWALI DISTRICT SHIVPURI (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 CrPC for grant of bail relating to FIR No. 420 of 2023 registered at Police Station Kotwali, District Shivpuri (M.P.) for the offence under Section 49 (A) of Excise Act.

Allegation against the present applicant is that 4 litres of illicit liquor has been seized from the possession of the applicant, which was found to be unfit for human consumption.

Learned counsel for the applicant argued that the applicant is innocent

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

and has been falsely implicated. He is in custody since 17.6.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. It is further submitted that offence is triable by JMFC and trial is likely to take long time to conclude. Applicant is the permanent resident of District Shivpuri (M.P.) having no criminal antecedents, therefore, there is no possibility of his absconsion or tampering with the prosecution evidence. He is ready to abide by all the terms and conditions imposed by this Court while granting bail. On these grounds, 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

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

the case may be;

4) The applicant shall not commit any offence during pendency of the trial, failing which, 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

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