IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4765 of 2024

BETWEEN:-

SUNIL KEWAT S/O SHRI KHEMSINGH KEWAT BY CASTE : KEWAT COMMUNITY, AGED 26 YEARS, OCCUPATION: FISHING, R/O VILLAGE SIKRODA P.S. GORMI, BHIND (M.P.) PRESENTLY R/O SHIV COLONY PINTO PARK, GWALIOR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SUNIL BHARDWAJ - ADVOCATE)

AND

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

.....RESPONDENT

(BY SHRI ROHIT SHARIVASTAVA - 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. 49 of 2023 registered at Police Station Sihoniya, District Morena (M.P.) for the offence under Section 34 (2) of M.P. Excise Act 1915.

Allegation against the applicant/accused is that 63 bulk litres of liquor has been recovered from his possession, for which, he was not having any valid and effective license.

Learned counsel for the applicant argued that applicant is an innocent person

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and has been falsely implicated. The case is triable by JMFC. The applicant is in custody since 05.01.2024. Charge sheet has been filed. The applicant is permanent resident of District Gwalior. Applicant is not having criminal antecedent. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned Panel Lawyer for the respondent/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.

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 shall not commit an offence similar to the offence of which he is accused;

5) The applicant will not seek unnecessary adjournments

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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

AK/-

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