IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 5th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 57640 of 2023

BETWEEN:-

POORAN AADIWASI S/O RAMUVA AADIWASI, AGED ABOUT 55 YEARS, OCCUPATION: LABOUR GRAM KAFAR THANA KHANIYADHANA DISTRICT SHIVPURI M.P. (MADHYA PRADESH)

.....APPLICANT

(BY SHRI R.S. YADAV - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION KHANIYADHANA DISTRICT SHIVPURI (MADHYA PRADESH)

.....RESPONDENTS

(BY MS. ABHA MISHRA - PUBLIC PROSECUTOR)

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

ORDER

The applicant has filed this First application u/S 439, Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Khaniyadhana, District Shivpuri in connection with crime No. 566/2023 registered for the offence punishable under Section 34 (2) of MP Excise Act.

Allegations against the applicant/accused, in short, are that the police apprehended the applicant and recovered from his possession 60 bulk litres of country made liqour, for which, the applicant was not having any valid license.

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Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. He further argued that applicant is the only earning member of his family. The offence alleged is triable by Judicial Magistrate First Class. The applicant is in custody since 15/12/2023. Investigation is nearing completion and further custodial interrogation of the applicant may not be required. The applicant is permanent resident of District Shivpuri. 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.

On the other hand, learned State counsel vehemently opposed the application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the overall 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 two local solvent sureties 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/her;

2) The applicant will cooperate in the investigation/trial, as the case may be;

3) The applicant will not indulge himself/herself 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

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Officer, as the case may be;

4) The applicant shall not commit any other 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

Durgekar

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