IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 8th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 57997 of 2023

BETWEEN:-

SURESH KUMAR S/O SITARAM BAGHEL, AGED 54 YEARS, OCCUPATION: MAZDURI, R/O GRAM CHIRULI, THANA PICHHORE, DISTRICT GWALIOR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ANIL JHA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION PICHHORE, DISTRICT GWALIOR (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI DINESH SAVITA - PUBLIC PROSECUTOR)

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 Crime No. 17 of 2023 registered at Police Station Pichhore, District Gwalior (M.P.) for the offence under Sections 34 and 49 (A) of the Excise Act.

Allegation against the present applicant is that 3 litres of illicit liquor has been seized from the possession of the applicant without having valid license, which was found to be unfit for human consumption.

Learned counsel for the applicant/accused argued that the applicant is

innocent and has been falsely implicated. He is in custody since 18.12.2023. Charge sheet has already been filed, therefore custodial interrogation of the applicant is not required any more. It is further submitted that offence is triable by JMFC and trial is likely to take long time to conclude. The applicant is permanent resident of District Gwalior (M.P.). The applicant 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 Public Prosecutor for 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/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 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

AK/-

ANAND KUMAR
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