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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV**

ON THE 3rd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 54025 of 2023

BETWEEN:-

**ARUN RATHORE S/O SHRI RAMKISHORE RATHORE,
AGED 32 YEARS, OCCUPATION : SHOPKEEPER, R/O
GANGA VIHAR COLONY, LADHERI MACHALI MANDI,
GWALIOR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAJ KUMAR JOSHI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION BAHODAPUR 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. 1024 of 2023 registered at Police Station Bahodapur, District Gwalior (M.P.) for the offence under Section 34 (2) of the Excise Act.

Allegation against the present applicant is that more than 50 bulk litres of illicit liquor has been seized from the possession of the applicant, for which he was not having any valid license.

Learned counsel for the applicant argued that the applicant is innocent

and has been falsely implicated. He is in custody since 02.11.2023. Since recovery has already been made, 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 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 the respondent/State 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.1,00,000/- (Rupees One Lac 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 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.
- 7) **The applicant/accused shall mark his presence in the first week of every month before concerned SHO till the conclusion of trial.**

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.

AK/-

 ANAND KUMAR
2024.01.04
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(SUNITA YADAV)
JUDGE

