IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2839 of 2024

BETWEEN:-

ASHISH JATAV S/O NANDRAM JATAV,
AGED ABOUT 34 YEARS,
OCCUPATION: LABORER
R/O. GRAM FATEHPUR,
TEHSIL AND DISTRICT SHIVPURI
(MADHYA PRADESH)

.....APPLICANT

(SHRI ASHISH GUPTA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION THIKRI, DISTRICT BARWANI
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI SURENDRA GUPTA - GOVT. ADVOCATE)

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

ORDER

Heard and perused the case diary.

This is first bail application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, for grant of bail during trial. The applicant is facing trial in connection with Crime No.506/2023, dated (not mentioned) registered at Police Station-Thikri, District-Barwani for offence punishable under Section 34(2) of M.P. Excise Act, 1915. Applicant is in jail since 28.12.2023.

Signature Not Verified
Signed by: SUMATHI
Signing time: 03-02-2024 16:17:29

2. As per prosecution story, 392.150 bulk liters of illicit liquor has been recovered from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. There are no criminal antecedents. The case is triable by Judicial Magistrate First Class. The applicant is in jail since 28.12.2023. The final conclusion of the trial is likely to take sufficient long time, hence, it is prayed that the applicant is entitled to be released on bail.

4 . Learned counsel for the respondent/State opposed the prayer, however it is fairly admitted that there are no criminal antecedents against the applicant.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case, I am of the view that it is a case, in which applicant may be released on bail. Consequently, without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant be released on bail on his 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, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

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Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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