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. 4391 of 2024

BETWEEN:-

RITENDRA @ VICKY @ MODEL S/O SHIV BAHADUR, AGED ABOUT 29 YEARS, OCCUPATION: LABOUR 9/2 NORTH HARSIDDHI INDORE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MANISH YADAV, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION RAOJI BAZAR INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI SAMEER VERMA, 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 Code of Criminal Procedure, 1973 for grant of bail during trial. The applicant is facing trial in connection with Crime No.560/2023, dated (not mentioned) registered at Police Station-Raoji Bazar, District Indore for offence under Sections 34(1) & 49(A) of M.P. Excise Act, 1915. The applicant is in jail since 29.12.2023.

2. As per the prosecution story, 05 bulk liters spurious liquor is said to be seized from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent

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and has been falsely implicated in the present crime. FSL report is yet to be awaited, hence, it cannot be said that the liquor is spurious or not. The applicant is in custody since 29.12.2023 and conclusion of trial will take sufficient long time. Under these circumstances, prayer was made for grant of bail to the applicant.

4. Learned Counsel for the State has opposed the application and prayed for its rejection by submitting that the applicant is having criminal records of 12 cases.

5. I have heard the learned counsel for the parties and perused the record.

6. Looking to the facts and circumstances of the case and custody period of the applicant, without commenting on the merits of the case, this application is allowed.

7. It is directed that the applicant be released on bail on his/her 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 securing his/her presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) Cr.P.C.

8.By way of abundant caution, it is further directed that the applicant shall also mark his presence before the concerned Police Station on 2nd Saturday of every month between 10.00 am to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

9. It is made clear that if in the FSL report it is found that the liquor is

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spurious then this bail order shall stand cancelled without further reference to this Court and he shall surrender before the trial Court.

10. This order shall remain effective till the end of the trial, but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

VD

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