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. 4402 of 2024

BETWEEN:-

SHRI KUNWAR SINGH S/O BHURUSINGH CHOUHAN, AGED ABOUT 30 YEARS, OCCUPATION: LABOUR GRAM BAJRANG COLONY KUNDALWASA THANA UDAYGARH (MADHYA PRADESH)

.....APPLICANT

(SANKIT KUMAR ATULKAR, LEARNED COUNSEL FOR THE PETITIONER .)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THOUGH P.S. JHABUA (MADHYA PRADESH)

.....RESPONDENTS

(SAMEER VERMA PL APPEARING ON BEHALF OF ADVOCATE GENERAL.)

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

ORDER

1.Heard and perused the case diary.

2.This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.1554/2023, registered at P.S.- Jhabua, District-Jhabua (M.P.) for the offence punishable under Section 34(2),36 of Excise Act. The applicant is in detention since 13.12.2023.

3. Learned counsel for the applicant has submitted that the applicant is

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innocent and has been falsely implicated in this crime. The applicant is said to be the driver of the vehicle from which the liqour has been seized. The registered owner of the vehicle namely Kalu is already behind the bar and the present applicant being a driver is bound to obey his owner's instructions. The applicant is in custody since 13.12.2023. The conclusion of the trial is likely to take sufficient long time, therefore, it is prayed that the application be allowed and the applicant be released on bail.

4. Learned counsel for the State has opposed the prayer and prayed for its dismissal.

5. Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, without commenting on the merits of the case, the application filed by the applicant is allowed.

6. 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, to appear before the trial Court on the dates given by the Court. The applicant shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

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.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

VD

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