IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 55092 of 2023

BETWEEN:-

REMSINGH S/O VESTIYA SOLANKI, AGED 45 YEARS, OCCUPATION: AGRICULTURE R/O VILLAGE PANGOLA TEHSIL JOBAT DISTT ALIRAJPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI HARISH CHANDRA TRIPATHI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION UDAIGARH DIST. ALIRAJPUR (MADHYA PRADESH)

.....RESPONDENT/STATE

(BY SHRI RAHUL SOLANKI - GOVT. ADVOCATE)

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

ORDER

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.406/2023 dated (not mentioned) registered at Police Station Udaigarh, District Alirajpur (M.P.) for commission of offence punishable under Section 34(2) of the M.P. Excise Act.

2. Prosecution story, in brief is that on 22.11.2023, the present applicant was found in possession of 500 bulk litres of liquor without having any license or authority. The police had the aforesaid liquor from the possession of the applicant. Accordingly, a crime was registered against the applicant.

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3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and he has falsely been implicated in the case. Applicant has no criminal past likewise this offence and he is in custody since 22.11.2023. The offence is exclusively triable by the Judicial Magistrate First Class. After completion of investigation, charge-sheet has been filed. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayer and prayed for its rejection.

5. Having considered the rival submissions and after perusal of the case diary so also looking to the facts and circumstances of the case, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting on the merits of the case, the application is **allowed**.

6. It is directed that **applicant - Remsingh** shall be released on bail on his furnishing a personal bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only) with a solvent surety** in the like amount to the satisfaction of the concerned Court, for his appearance before the concerned Court regularly on all such dates as may be fixed in this regard during trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr.P.C.

7. This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

8. With the aforesaid, this application is allowed and stands disposed of.

Certified copy, as per Rules.

(PRAKASH CHANDRA GUPTA)

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JUDGE

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