IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1890 of 2024

BETWEEN:-

SURAJ BAWARIYA S/O SHRI ROOPCHANDRA BAWARIA, AGED ABOUT 29 YEARS, OCCUPATION: LABOUR R/O H NO 39 SANJAY GANDHI NAGAR SADAR BAZAR P.S. CANTT. DISTRICT JABALPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SANDESH DIXIT - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GORAKHPUR DISTRICT JABALPUR (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI S. K. GUPTA - PANEL LAWYER)

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

ORDER

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 F I R No. 623/2023 dated 13.09.2023 registered at Police Station Gorakhpur, District Jabalpur (M.P.) for commission of offence under Section 34(2), 42 of M.P. Excise Act. Applicant is in detention since 02.01.2024.

2. As per the prosecution story, on receiving an information from an informant, police of concerned police station seized 225 bulk liters of

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illegal liquor from possession of the applicant. FIR was registered. After investigation, charge sheet has been filed.

3. Learned counsel for the applicant submitted that applicant is in jail since 02.01.2024. He has not committed any crime and nothing has been seized from his possession. He has been falsely implicated. The trial of the case will take considerable time. It is submitted that main accused Anshuman Vishkarma has already been granted bail by this Court vide order dated 01.12.2023, passed in M.Cr.C.No.44301/2023. Therefore, it is prayed that applicant may be released on bail pending the trial.

4. On the other hand, learned counsel for the State has opposed grant of bail to the applicant.

5. Having taken into consideration all the facts and circumstances of the case, the fact that main accused has already been granted bail and the fact that trial of the case will take considerable time, I am inclined to release the applicant on bail. Consequently, 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 - Suraj Bawariya** 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. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

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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.

(DINESH KUMAR PALIWAL)
JUDGE

Jasleen

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