IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3952 of 2024

BETWEEN:-

DALCHAND GWALA S/O SHRI GANGARAM GWAL, AGED ABOUT 56 YEARS, OCCUPATION: MILK DAIRY 514 BALVIHAR ANAND NAGAR DISTRICT BHOPAL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SUDEEP DEB - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION PIPLANI DISTRICT BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY MS. SHRADDHA TIWARI - PANEL LAWYER)

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

ORDER

This is first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.22/2024 dated 08.01.2024 registered at Police Station Piplani, District Bhopal for the offence punishable under Section 34(2) of the M.P. Excise Act.

2. As per the case of the prosecution, about 57 liter 600 gm. bulk liters of country made liquor is alleged to have been seized from the possession of the applicant.

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

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and has been falsely implicated in the case. The applicant is a first offender and has no criminal antecedents. The applicant is in custody since 08.01.2024 and trial would take considerable time to conclude, therefore, the applicant be released on bail.

4. The counsel for the State has opposed the application. However, she submitted that the applicant has no criminal past.

5. Heard the submissions advanced on behalf of the parties and perused the case.

6. Looking to the totality of the facts and circumstances of the case, quantity of liquor alleged to have been seized from the possession of the applicant, the fact that the applicant is a first offender, he is in custody since 08.01.2024 and trial would take considerable time to conclude, this Court finds it to be a fit case to release the applicant on bail. Therefore, without commenting on the merit of the case, the application is allowed.

7. It is directed that the applicant **Dalchand Gwala** shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during the pendency of trial.

8. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

(MANINDER S. BHATTI)
JUDGE

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