IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 56471 of 2023

BETWEEN:-

AJJU @ AJAY QURESHI S/O KAYAMUDDIN QURESHI, AGED ABOUT 31 YEARS, OCCUPATION: LABOUR NEAR RAMPUR MOSQUE RAMPUR POLICE STATION GORAKHPUR DISTRICT JABALPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI V.K. UPADHYAY - ADVOCATE)

AND

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

.....RESPONDENTS

(BY SMT. SUNITA SOOD - 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 Crime No. 694/2023 registered at Police Station - Gorakhpur, District Jabalpur (M.P.) for the offence punishable under Section 34 (2) of M.P. Excise Act. Applicant is in detention since 16/10/2023.

2. As per the prosecution story, from possession of the applicant 350 quarters of illicit liquor has been seized therefore, the aforesaid offence has been registered against him.

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3. Learned counsel for the applicant submitted that applicant is in jail since 16/10/2023. He has been falsely implicated. It is submitted that in this matter three witnesses have been examined during trial and they have not supported the prosecution story. It is also submitted that in criminal case no. 2831/2009 vide judgment dated 29/04/2016 passed by the Chief Judicial Magistrate, Jabalpur and criminal case no. 2727/2021 vide judgment dated 21/02/2022 passed by Chief Judicial Magistrate, Jabalpur, applicant has been acquitted for the offence under section 34 (2) of M.P. Excise Act. Charge sheet has been filed. The trial of the case will take considerable time. Therefore, it has been prayed that the applicant may be released on bail pending the trial.

4. On the other hand, learned counsel for State has opposed the grant of bail to the applicant on the basis of his criminal past.

5. Having taken into consideration all the facts and circumstances of the case, but without commenting on merit of the case, I am inclined to release the applicant on bail. Consequently, bail application under Section 439 of the Code o f Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

6. It is directed that applicant 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.

7. This order shall be effective till the end of the trial. However, in case of

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bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PRAMOD KUMAR AGRAWAL)
JUDGE

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