# IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

**BEFORE**

**HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

**ON THE 8th OF JANUARY, 2024**

**MISC. CRIMINAL CASE No. 57419 of 2023**

**BETWEEN:-**

**UMESH CHAKRAWARTI S/O SHRI MAGAN CHAKRAWARTI, AGED ABOUT 43 YEARS, OCCUPATION: LABOUR, R/O BARGOAN POLICE STATION UMARIYAPAN TEHSIL DHEEMARKHEDA, DISTRICT KATNI (MADHYA PRADESH)**

**.....APPLICANT**

***(BY SHRI SATISH K. DUBEY - ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE STATION UMARIYAPAN, DISTRICT KATNI (MADHYA PRADESH)**

**.....RESPONDENT**

***(BY SHRI NISHANT YADAV - PANEL LAWYER)***

---

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

**ORDER**

This second bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of regular bail relating to FIR No. 347/2023 dated 03.11.2023, registered at Police Station Umariyapan, District Katni (M.P.) for commission of offence under Section 34(2) of M.P. Excise Act. Applicant is in detention since 03.11.2023.

**2.** Applicant's first bail application was dismissed for want of prosecution vide order dated 19.12.2023 passed in M.Cr.C. No.52469/2023.

**3.** As per the prosecution story, on receiving an information from an informant, police of concerned police station seized 57 bulk liters of illegal liquor from possession

Signature Not Verified
Signed by: ASHISH KOSHTA
Signing time: 1/8/2024
10:39:12 AM

of the applicant. FIR was registered. After investigation, charge sheet has been filed.

**4.** Learned counsel for the applicant has submitted that applicant is in jail since 03.11.2023. 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. Therefore, it is prayed that applicant may be released on bail pending the trial.

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

**6.** Having taken into consideration all the facts and circumstances of the case and the fact that trial of the case will take considerable time but without expressing any opinion on the merits of the case, 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.**

**7.** It is directed that **applicant - Umesh Chakrawarti** 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.

**8.** 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**

ak

Signature Not Verified
Signed by: ASHISH KOSHTA
Signing time: 1/8/2024
10:39:12 AM