

**HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**  
**M.Cr.C. No.60166 of 2021**  
**Kalabai Vs. State of M.P.**

**Indore, Dated:- 30/12/2021**

Shri K. C. Paliwal, Counsel for the applicant – Kalabai  
W/o Chhogalal @ Babulal.

Shri Sameer Verma, Counsel for the respondent/State.

They are heard. Perused the challan papers.

This is the **first** bail application under Section 439 of Criminal Procedure Code, 1973 as she is implicated in connection with Crime No.277/2021 registered at Police Station Excise *Chhawani*, Indore (MP) for offence punishable under Section 34(2) of M.P. Excise Act. The applicant is in custody since 25/11/2021.

The allegation against the applicant is that she was found in possession of 65 bulk litres of unauthorized liquor.

Counsel for the applicant has submitted that the applicant was also indisposed and was hospitalized and is presently lodged in jail since 25.11.2021. Charge-sheet has already been filed. So far as criminal antecedents of the applicant are concerned, three more cases were registered against her under Section 34(1)(a) of M.P. Excise Act in which she has already been let off by imposition of fine and this is the first case under Section 34(2) of

**HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**  
**M.Cr.C. No.60166 of 2021**  
**Kalabai Vs. State of M.P.**

M.P. Excise Act.

Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that no case for grant of bail is made out, however, it is not denied that no other case under Section 34(2) of M.P. Excise Act has been registered against the applicant.

Having considered rival submissions and on perusal of the case-diary as also the medical records and considering the fact that this is applicant's first case under Section 34(2) of M.P. Excise Act, this Court finds force with the contentions raised by the Counsel for the applicant to allow the application.

Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/- (rupees one lakh)** with one solvent surety of the like amount to the satisfaction of the trial Court for her regular appearance before the trial Court during trial with a condition that she shall remain present before the Court concerned during trial and shall also abide by the

**HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**  
**M.Cr.C. No.60166 of 2021**  
**Kalabai Vs. State of M.P.**

conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found to be involved in any of the criminal activities, after her release on bail, then the present bail order shall stand cancelled without further reference to this Court; and the State/prosecution will be free to arrest the accused in the present case also.

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

Certified copy as per rules.

**(SUBODH ABHYANKAR)**  
**VACATION JUDGE**

**Pankaj**

Digitally signed by PANKAJ PANDEY  
Date: 2021.12.31 10:28:08 +05'30'