

**HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**  
**M.Cr.C. No.64058 of 2021**  
**Gopal Vs. State of M.P.**

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

Shri B. S. Gandhi, Counsel for the applicant – Gopal S/o  
Prahlad Mogiya.

Shri Mukesh Sharma, Counsel for the respondent/State.

They are heard. Perused the challan papers.

This is the **second** bail application under Section 439 of Criminal Procedure Code, 1973 as he is implicated in connection with Crime No.493/2021 registered at Police Station Ingoriya, District – Ujjain (MP) for offence punishable under Sections 34(1) and 49(A) of M.P. Excise Act. The applicant is in custody since 26/08/2021.

His first application M.Cr.C. No.47435 of 2021 was dismissed by this Court vide order dated 29.09.2021 as withdrawn with liberty to renew the prayer after completion of three months of incarceration.

The allegation against the applicant is that he was found in possession of 14 bulk litres of unauthorized liquor.

Counsel for the applicant has submitted that the applicant has already suffered more than three months of incarceration and the final conclusion of trial is likely to take sufficient long time.

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Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that there are as many as 12 cases registered against the applicant, out of which three cases are under Sections 34(1)(a) of M.P. Excise Act, however, it is not denied that none of them are under Section 34(2) of M.P. Excise Act.

Having considered rival submissions and on perusal of the case-diary, including the earlier order dated 29.09.2021 passed by this Court in M.Cr.C. No.47435 of 2021, 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.1,00,000/- (rupees one lakh)** with one solvent surety of 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 Court concerned during trial and shall also abide by the

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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 his 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

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