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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA**

ON THE 29th OF JULY, 2022

MISC. CRIMINAL CASE No. 34521 of 2022

Between:-

1. **DINESH S/O MOHAN YADAV, AGED ABOUT 39 YEARS, OCCUPATION: MAJDURI BHOJKHEDI WARD NO. 16 KHANDWA (MADHYA PRADESH)**
2. **GOLU S/O SANTOSH YADAV, AGED ABOUT 25 YEARS, OCCUPATION: LABOUR MORGHADI, EAST NIMAR (MADHYA PRADESH)**

....PETITIONER

(SHRI NEERAJ SIRESIYA, LEARNED COUNSEL FOR THE APPLICANT)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION ABKARI VRAT SANAWAD DISTRICT MANDLESHWAR (MADHYA PRADESH)

....RESPONDENTS

(SHRI HEMANT SHARMA, GOVT. ADVOCATE FOR THE RESPONDENT/STATE.)

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

ORDER

The applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. They are in Jail since 20/06/2022 in connection with Crime No.242/2022 registered at Police Station- Sanawad, District- Mandaleshwar (M.P.) for commission of offence punishable under Section 34(2) of the M. P. Excise Act.

A s per the prosecution story, the applicants was found to be in

possession of 60 bulk litres country made liquor unauthorisedly and illegally during the search by police. Accordingly, a case has been registered.

Learned counsel for the applicants submit that applicants are innocent and they have been falsely implicated in this matter. He further submits that there is no legal evidence available on record to connect the applicants with the aforementioned offence and no further custodial interrogation is required. Offence is triable by Judicial Magistrate First Class. Applicant is in jail since 20/06/2022. He is a permanent resident of District Khandwa and East Nimar. Final conclusion of trial will take considerable long time. Hence, he prays that applicants be released on bail.

Per-contra, learned counsel for the respondent/State opposes the bail application by submitting that there is one criminal case against Dinesh is registered but so far as Golu is concerned there is no criminal case against him therefore they are not entitled for bail and prays for its rejection.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that the applicants are in jail since 20/06/2022, offence is triable by JMFC and final conclusion of trial will take considerable long time, I deem it proper to release the applicants on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail upon his furnishing a personal bond in the sum of **Rs.70,000/- (Rupees Seventy Thousand Only)each** with one local solvent sureties in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required. They shall abide by the conditions enumerated u/S. 437(3)

Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
JUDGE

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