

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 47215 of 2022

BETWEEN:-

**ASLAM S/O YASIN SHAH, AGED
ABOUT 30 YEARS,
OCCUPATION: LABOUR, R/O
CHANDAN NAGAR, INDORE
(MADHYA PRADESH)**

.....APPLICANT

***(SHRI SHUBHAM AGRAWAL, LEARNED COUNSEL FOR THE
APPLICANT)***

AND

**THE STATE OF MADHYA
PRADESH STATION HOUSE
OFFICER THROUGH PS
CHANDAN NAGAR, INDORE
(MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI GOVIND PUROHIT, LEARNED GA APPEARING ON BEHALF
OF ADVOCATE GENERAL)***

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

O R D E R

The applicant has filed this first bail application under

Section 439 of the Code of Criminal Procedure, 1973. He is in jail since 22/08/2022 in connection with Crime No.667/2022 registered at Police Station Chandan Nagar, District Indore (M.P.) for commission of offence punishable under Section 49-A and 34 of the M. P. Excise Act.

As per the prosecution story, the applicant was found to be in possession of 05 litre spurious liquor unauthorisedly and illegally during the search by police. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. He further submits that there is no legal evidence available on record to connect the applicant with the aforementioned offence and no further custodial interrogation is required. Offence is triable by Judicial Magistrate First Class. Applicant is in jail since 22/08/2022. He is permanent resident of District Indore and final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for the respondent/State opposes the bail application and prays for its rejection by submitting that there is one criminal antecedent found against the applicant. However, he fairly submits that the same is under the IPC and is not related with the M. P. Excise Act. His contention is that the applicant is a habitual offender. Hence, he is not entitled to be

released on bail.

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 applicant is in jail since 22/08/2022; offence is exclusively triable by JMFC and final conclusion of trial will take considerable long time. Hence, I deem it proper to release the applicant on bail.

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

Certified copy as per rules.

(ANIL VERMA)
J U D G E

Tej