

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

Misc. Criminal Case No.29402 of 2024

[IMRAN KHAN VS. STATE OF MADHYA PRADESH]

Dated : 20.07.2024

Shri Imran Khan - Advocate for the applicant.

Shri P.P.S. Vajeeta- Public Prosecutor for respondent/State.

This **first** bail application has been filed by applicant under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of bail in connection with Crime No.85 of 2024 registered at Police Station Panihar District Gwalior (M.P.) for offence punishable under Section 49-A, 34(2) of M.P. Excise Act. The applicant is in judicial custody since 22.04.2024.

As per the case of prosecution, on 22.04.2024, on secret information, ASI Naresh Kumar Sharma of Police Station Panihar, District Gwalior along with police squad reached Tighara Road, Kanjar Dera and intercepted applicant. The applicant was found to be in possession of 60 bulk liters of illicit country-made raw liquor (30 bulk liters each in two cans) suspected to be unfit for human consumption. On suspicion, offence punishable under Section 34(2) of MP Excise Act was registered by PS Panihar, District Gwalior against the applicant. Relevant seizure has been made. Thereafter, FSL report with regard to seized liquor was received on 13.06.2024. As per FSL Report, seized liquor in two cans contains 15.66% and

15.15% of Ethyl Alcohol along with urea, furfural and sediments, therefore, it was found to be unfit for human consumption. Thereafter, offence punishable under Section 49-A M.P. Excise Act was added. Statements of witnesses have been recorded. On completion of investigation, Final Report was submitted on 13.06.2024. The applicant was arrested on 22.04.2024. He is in custody ever since. The trial is underway.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. He is aged around 34 years. He is labourer by profession and has family to look after. There is no likelihood of absconsion leaving his family and home. No further custodial interrogation of applicant is needed. Jail incarceration is causing hardship to the applicant and his family. Learned counsel further submits that though FSL report mentions about presence of Ethyl alcohol along with urea, furfural and sediments in the seized liquor, it does not opine the same to be dangerous to life. No criminal antecedent is reported against the applicant. There is no likelihood of tampering with evidence by the applicant. The trial would take time to conclude. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned counsel for State opposes the bail application on the basis of gravity of offence.

Heard learned counsel for the parties and perused the case-

diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant- IMRAN KHAN** shall be released on bail in relation to Crime No.85 of 2024 registered at Police Station Panihar District Gwalior (M.P.) for offence punishable under Section 49-A, 34(2) of M.P. Excise Act, upon 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 compliance with the following conditions :

- (1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;
- (2) Applicant shall not commit or get involved in any offence of similar nature;
- (3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;
- (4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
- (5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance.

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that she had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(Sanjeev S. Kalgaonkar)

Judge

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