

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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 15th OF JULY, 2024

MISC. CRIMINAL CASE No. 27401 of 2024

DHARMENDRA TOMAR

Versus

THE STATE OF MADHYA PRADESH

.....
Appearance:

(MS. URMILA MALVIYA - ADVOCATE FOR APPLICANT)

(SHRI TARUN PAGARE - G.A./P.L. FOR STATE)
.....

ORDER

1] They are heard. Perused the case diary / challan papers.

2] This is the first bail application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.90/2024 registered at Police Station Excise Circle-B, Jhabua (MP) for offence punishable under Sections 34(1)(a), 34(2) and 46 of M.P. Excise Act, 1915. The applicant is in custody since 27.05.2024.

3] Prosecution story, in brief, is that on 27.05.2024 applicant was found transporting 11700 bulk liters of liquor in a truck bearing registration No.**MP 09 HP 0491** under liquor permit, but the permit had expired at around 9.20 am on 26.05.2024. The liquor was transported from Gwalior to Daman and Diu. Police have seized the aforesaid liquor from the possession of the applicant and, accordingly, crime has been registered against him.

4] Counsel for the applicant submits that applicant has not committed any offence and has falsely been implicated in the case. It is also submitted that the applicant was transporting the aforesaid liquor under the valid permit, but

meanwhile the permit got expired and he could not be able to apply for new permit at border of Gujarat State at Jhabua District, State of M.P. due to holidays. It is further submitted that no offence is made out against the applicant and he is in custody since 27.05.2024. Matter is under investigation. Final conclusion of the trial is likely to take sufficient long time. Under these circumstances, prayer is made for grant of bail to the applicant.

5] Counsel for the applicant submits that in an identical case, this Court has granted bail to the accused/applicant Pawan Kumar in M.Cr.C. No.27516 of 2024 vide order dated 12.07.2024 and the case of the present applicant is similar to that of Pawan Kumar.

6] On the other hand, counsel for the State has opposed the prayer.

7] Having considered the rival submissions and on perusal of the case-diary, including the order passed by this Court in M.Cr.C. No.27516 of 2024, this Court is inclined to allow the present application.

8] Accordingly, maintaining the parity, without commenting anything on merits of the matter, the present application for grant of bail is **allowed**. The applicant is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh)** with one solvent surety in the like amount to the satisfaction of the Trial Court for his appearance, as and when directed and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE

