



1

MCRC-43540-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17th OF OCTOBER, 2024MISC. CRIMINAL CASE No. 43540 of 2024*SANDEEP AND OTHERS**Versus**THE STATE OF MADHYA PRADESH*

.....
Appearance:

Shri Dharmendra Yadav - Advocate for the applicants.

Shri Santosh Singh Thakur- Govt. Advocate for the respondent/State..

.....

ORDER

This *first* application has been filed by applicants under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No 288/2024 registered at Police Station- Ingoria, District Ujjain(M.P.) for offence punishable under Section 34(2) of M.P. Excise Act, 1915. Applicant is in judicial custody since 24.08.2024.

As per the case of prosecution, on 24.08.2024, on receipt of secret information, S.I.Dinesh Ninama alongwith police force reached Aam Road, near Chamleshwar Temple and intercepted one Tavera vehicle bearing No. MP09 BC 1201. Sandeep, Lokesh and Gopal - (applicants) were found transporting illicit country made plain liquor. Tavera vehicle with illicit liquor, total quantity 90 bulk litres, was recovered and seized from joint possession of applicants. On such allegations, P.S.- Ingoria, District Ujjain registered FIR at Crime No.288/2024 for offence punishable under Section



34(2) of M.P. Excise Act against applicants - Sandeep, Lokesh and Gopal. Applicants were arrested on 24.08.2024. They are in custody ever since. Relevant seizures have been made. Statements of witnesses were recorded. On completion of investigation, final report has been filed.

Learned Counsel for the applicant in addition to the grounds mentioned in the application, submits that applicant have been falsely implicated in the matter merely on suspicion. Applicants are not the owners of alleged Tavera vehicle from which illicit liquor was seized. No offence as alleged is committed by the applicants. Learned counsel for the applicants further submits that applicant no.1 - Sandeep is aged around 25 years and is Driver by profession. Applicant no.2 - Lokesh is aged 28 years and applicant no. 3 - Gopal is aged 40 years. Both of them are agriculturists by profession. They are the sole bread earner of their respective families. There is no likelihood of absconsion leaving their families, home and profession. There is no likelihood of tampering with evidence by the applicant. No criminal antecedents is reported against the applicants no. 2 and 3 - Lokesh and Gopal. The custodial interrogation of the applicants is not needed in the matter. The alleged offence is triable by Judicial Magistrate First Class. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence and cites criminal history of 04 cases against applicant no.1 - Sandeep.

In reply, learned counsel for the applicants submits that all the matters



are pending trial. Applicant no.1 - Sandeep has never been convicted.

Heard learned counsel for the parties and perused the case diary.

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

Accordingly, it is directed that **applicants -Sandeep, Lokesh and Gopal** shall be released on bail in connection with Crime No.288/2024 registered at Police Station- Ingoria District Ujjain (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act, 1915, upon furnishing a personal bond in the sum of Rs.50,000/- (**Rupees Fifty Thousand only**) each with one solvent surety of the same amount **each** to the satisfaction of the Trial Court, for compliance with the following conditions,: (**For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under**):-

(1) Applicants shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदकगण संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेंगे।

(2) Applicants shall not commit or get involved in any offence of similar nature;

(2) आवेदकगण समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होंगे।

(3) Applicants 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;

(3) आवेदकगण प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हों।

(4) Applicants shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदकगण प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेंगे।

(5) During trial, the applicant shall ensure due compliance of provisions of



Section 309 of Cr.P.C./346 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;
(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदकगण धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेंगे।

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions 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 he had explained the conditions to the concerned accused or the surety.

(SANJEEV S KALGAONKAR)
JUDGE