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MCRC-44378-2024

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. 44378 of 2024*NAZIM AND OTHERS**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Govind Pal Singh Songara, learned counsel for the applicants.

Shri Amit Raval GA for the respondent/State.

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ORDER

This first application has been filed by applicants under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 345/2024 registered at Police Station - Maksi, District Shajapur (M.P.) for offence punishable under Sections 34(2) of M.P. Excise Act. Applicants are in judicial custody since 06/09/2024

As per the case of prosecution, on 04/09/2024, ASI Pradeep Singh Tomar received secret information with regard to illegal transportation of liquor. Acting upon the said information, the offending car was intercepted. On search of the car, country-made liquor total quantity 75 bulk liters was recovered from the car boot. The illicit liquor was seized from joint possession of the applicants. The applicants could not



produce any licence for transporting the liquor. The vehicle and the illicit liquor were seized in due compliance with the procedure. The applicants were arrested. Police Station - Maksi, District - Shajapur registered alleged FIR against the applicants and they are in custody ever since.

Learned Counsel for the applicants, in addition to the grounds mentioned in the application, submits that applicants have been falsely implicated in the matter. The applicants are aged around 27 and 24 years respectively and are labourer by profession. There is no likelihood of absconsion leaving their family and home. No criminal antecedents of similar nature is reported against the applicants. No further custodial interrogation is needed in the matter. There is no likelihood of tampering with evidence by the applicants. Trial would take time to conclude. Therefore, applicants 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.

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 applicants on bail. Thus, the application is allowed.

Accordingly, the application is allowed and it is directed that applicants- Nazim and Firoz shall be released on bail in connection



with Crime No. 345/2024 registered at Police Station - Maksi, District Shajapur (M.P.) for offence punishable under Sections 34(2) of M.P. Excise Act., upon furnishing personal bail bond in the sum of Rs50,000/- (Rupees Fifty Thousand only) each with one solvent surety each of the same amount to the satisfaction of 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) आवेदकगन संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगे।
- (2) Applicants shall not commit or get involved in any offence of similar nature;
(2) आवेदकगन समान प्रकृति का कोई अपराध नहीं करेगे 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) आवेदकगन प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगे, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।
- (4) Applicants shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
(4) आवेदकगन 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 करेगे।
- (5) During trial, the applicants 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 आवेदक धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।



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.

(SANJEEV S KALGAONKAR)
JUDGE

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