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MCRC-49166-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 20th OF NOVEMBER, 2024MISC. CRIMINAL CASE No. 49166 of 2024*SIDHARTHA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Pramod Choubey - advocate for the applicant.

Ms. Neelu Khetra- Dy. G.A. for the State.

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ORDER

Heard with the aid of case diary.

This is **first** bail application filed under Section 483 of B.N.S.S. for grant of bail to the applicant, in connection with FIR/Crime No.591/2024 dated (not mentioned) registered at P.S.- Madhav Nagar, District- Ujjain (M.P.) for commission of offence punishable under section 49 (A) of the M.P. Excise Act.

2. Prosecution story, in brief, is that on 06.11.2024 at around 2:30 p.m. applicant was found in possession of 5 litres of spurious liquor, which was unfit for human consumption. Police seized the aforesaid liquor from the possession of the present applicant and accordingly, a crime was registered against him.

3. Learned counsel for the applicant/accused submits that applicant has



not committed the offence and he has falsely been implicated in the case. It is further submitted that applicant has been called by the police on 05.11.2024 and when he went to police station, police kept him in legal custody and on the next day police has falsely implicated him in the case. It is submitted that offence is exclusively triable by the Judicial Magistrate First Class. Applicant is in custody since 06.11.2024. Investigation is pending. Conclusion of trial will take considerable long time for its disposal, therefore, it is prayed that applicant be released on bail.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayer and prayed for its rejection.

5. Having considered the rival submissions and after perusal of the case diary so also considering overall facts and circumstances of the case and the custody period, this Court is of the view that applicant deserves to be enlarged on bail hence, the application is **allowed**.

6. It is directed that applicant- **SIDHARTHA** shall be released on bail upon his furnishing 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 concerned Trial Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during pendency of the trial. It is further directed that applicant shall comply with the provisions of Section 480 (3) of B.N.S.S.

7. This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.



8. With the aforesaid, this application is allowed and stands disposed off.

Certified copy, as per Rules.

(PRAKASH CHANDRA GUPTA)
JUDGE

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