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MCRC-49404-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 20<sup>th</sup> OF NOVEMBER, 2024MISC. CRIMINAL CASE No. 49404 of 2024*KANHAIYALAL**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Dharmendra Keharwar, Advocate for the applicant.*

*Shri Viraj Godha, Panel Lawyer for the non-applicant/State.*

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ORDER

Heard with the aid of case diary.

This is first application filed u/S 439 of Cr.P.C./483 of BNSS for grant of regular bail to the applicant/accused, relating to FIR/Crime No.479/2024 dated (not mentioned) registered at Police Station Neemuch City, District Neemuch (M.P.) for commission of offence punishable u/S 49-A of the M. P. Excise Act, 1915.

2. Prosecution story in brief is that on 22.09.2024, applicant was found in possession of 20 litres of spurious liquor, without having any license or authority, which was unfit for human consumption. The police had seized the aforesaid liquor from the possession of the applicant. Accordingly, a crime was registered against him.

3. Learned counsel for the applicant submits that the



applicant/accused has not committed the offence and he has falsely been implicated in the case. Applicant is in custody since 22.09.2024. The offence is exclusively triable by the Judicial Magistrate First Class. After completion of investigation, charge-sheet has been filed but no FSL report is filed alongwith the charge-sheet therefore, at this stage, it cannot be said that the seized liquor was unfit for human consumption. Applicant has no criminal past. Trial will take sufficient long time for its disposal, therefore, it is prayed that present applicant/accused be released on bail.

4. On the other hand, learned counsel for the non-applicant/State has objected 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, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting on the merits of the case, the application is **allowed**.

6. It is directed that **applicant- Kanhaiyalal** shall be released on bail on his furnishing a personal bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only) with one local surety** in the like amount to the satisfaction of the concerned Court, for his appearance before the concerned Court regularly on all such dates as may be fixed in this regard during trial. It is further directed that applicant shall comply with the provisions of Section 437(3) of Cr. P. C/480(3) of BNSS.

7. This order shall be effective till the end of trial but in case of bail



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jump, it shall become ineffective.

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

Certified copy, as per Rules.

**(PRAKASH CHANDRA GUPTA)**  
**JUDGE**

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