

(2023) 02 MP CK 0020

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 3270 Of 2023

Kalicharan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Madhya Pradesh Excise Act, 1915 — Section 34(2), 59A

Citation : (2023) 02 MP CK 0020

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Shishir Verma, Delip Shrivastava

Final Decision : Dismissed

Judgement

Dinesh Kumar Paliwal, J

This first anticipatory bail application under Section 438 of Cr.P.C. has been filed on behalf of the applicant-Kalicharan for grant of anticipatory bail.

Applicant apprehending his arrest in connection with Crime No. 368/2021 of Police Station-Niwari, District-Niwari (MP) for commission of the offences punishable under Section 34(2) of M.P. Excise Act, 1915.

As per the prosecution story, on 23.09.2021, on the basis of secret information received from the informer, ASI, Budhdev Singh along with police force and witnesses reached in Kashipur forest. When he reached near the place narrated by the informer they found two persons running away from there. They were identified as Kallu Kachhi and Pappu Balmik. On spot, two furnaces were found which were made by digging a pit and in three blue colour drums 150 liters crude handmade liquor worth Rs. 15,000/- seized. Three drums having 2000-2000 liters mahua were also found kept there.

Learned counsel for the applicant has submitted that applicant has not

committed any offence. He is innocent. He has been falsely implicated. No liquor has been seized from his possession. Therefore, he be released on anticipatory bail.

Having considered the provisions of Section 59-A of the M.P. Excise Act, 1915 and the fact that present applicant along with one other was found running away from the spot after seeing the police and 150 liters liquor has been seized, I am of the view that it is not a fit case for grant of anticipatory bail as custodial interrogation of the applicant appears necessary. Therefore, this first anticipatory bail application under Section 438 of Cr.P.c. filed on behalf of applicant-Kalicharan is dismissed.