

(2022) 01 MP CK 0063

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.1695 Of 2022

Kamal Pandey

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-01-2022

Acts Referred:

Madhya Pradesh Excise Act, 1915 — Section 34(1), 34(2), 49(A)
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2022) 01 MP CK 0063

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : M.M. Tripathi, G.P. Chaurasiya

Final Decision : Dismissed

Judgement

Deepak Kumar Agarwal, J

The applicant has filed this first bail application u/S.438 of Cr.P.C for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.132/2021 registered at Police Station Ghatigaon, District Gwalior (M.P.) in relation

to the offence punishable under Sections 34(1) 34(2) 49(A) of M.P. Excise Act.

In brief the prosecution case is that on 13.12.2021 at 4.30 PM, on the information of informer, Police Sub Inspector of Ghatigaon, A.S.I. Aditya

Shukla raided the premises behind Devnarayan mandhir, Ghatigaon, from there he seized 400 liter OP unauthorized liquor and one bullero pickup on

the spot. Co-accused Sunil Gurjar and present applicant Kamal Pandey was there. Looking to the Police party, applicant-accused ran away. Sunil

Gurjar was arrested. Thereafter, offence under Sections 34(1) 34(2) 49(A) of M.P. Excise Act. Was registered.

Applicant-accused is absconding from the date of incident. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the offence, hence prayed for grant of anticipatory bail.

Learned State counsel has opposed the bail application and prays for its rejection.

As per case diary five crime in Ghatigaon, Bhawarpura and Panihar have already registered against him.

Heard learned counsel for the rival parties at length and perused the case diary.

Looking to the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the applicant. The bail application is rejected.