

**(2023) 06 MP CK 0094**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Petition No. 26990 Of 2023**

Ramjeevan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

**Date of Decision : 27-06-2023**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 437(3), 439  
Madhya Pradesh Excise Act, 1915 — Section 34(2)

**Citation : (2023) 06 MP CK 0094**

**Hon'ble Judges : Satyendra Kumar Singh, J**

**Bench : Single Bench**

**Advocate : Anand Kumar Gupta, Kaushlendra Singh Tomar**

**Final Decision : Allowed/Disposed Of**

## Judgement

Satyendra Kumar Singh, J

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant as he has been arrested on 16.4.2023 in connection with Crime No.57/2022 registered at Police Station Kumbhraj, District Guna for the offence punishable under Section 34(2) of M.P. Excise Act.

Prosecution story, in brief is that in the intervening night of 19/20.3.2022 at about 23:30-1:00 hours, the applicant along with other co-accused persons namely Bahadur Meena and Ashok were found carrying about 74 bulk litres of illicit spurious liquor in two cans on a motorcycle. Learned counsel for the applicant submits that as per prosecution case itself the applicant was not found/ caught on the spot and the said liquor was seized from the possession of co-accused persons Bahadur Meena and Ashok. Applicant has been implicated on the basis of memorandum statement of both above co-accused persons. Matter relates to the year 2022 and both the above co-accused persons namely Bahadur Meena and Ashok have already been enlarged on bail vide orders dated 18.4.2022 and 21.4.2022 passed in M.Cr.C.Nos. 17653/2022 and 19414/2022

respectively. Applicant's case is on a better footing than that of co-accused persons. The applicant is in custody since 16.4.2023. The charge sheet has been filed. Trial will take time to conclude and therefore, in the aforesaid circumstances, applicant is entitled for grant of bail.

Learned counsel for the respondent/State has vehemently opposed the prayer and submits that the applicant has a criminal antecedents and about 31 criminal cases are registered against him. He was absconding for the long time. Huge quantity of spurious liquor was seized in the matter, therefore, the applicant is not entitled to be enlarged on bail.

Heard the learned counsel for both the parties.

Having considered rival submission, material pointed out by the learned counsel for the applicant with regard to the fact that the applicant was not found/caught on the spot and also considering the fact that both the other co-accused persons who were found/caught on the spot have already been enlarged on bail, without expressing any opinion on the merits of the case, this Court is of the view that the applicant deserves to be enlarged on bail, hence the application is allowed.

It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr.P.C.

This application is allowed and stands disposed of.

Certified copy, as per Rules.