
(2025) 10 MP CK 1464

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Miscellaneous Criminal Case No. 44748 Of 2025

Vimalkumar @ Mangfali

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-10-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41, 482
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Madhya Pradesh Excise Act, 1915 — Section 34(2), 49(A)

Citation : (2025) 10 MP CK 1464

Hon'ble Judges : Milind Ramesh Phadke, J

Bench : Single Bench

Advocate : Shobhendra Kumar Tiwari, Dinesh Savita Ga

Final Decision : Allowed/Disposed Of

Judgement

Milind Ramesh Phadke, J

1. This is the first application under Section 438 of Cr.P.C/482 of BNSS filed by the applicant for grant of anticipatory bail in connection with Crime No.284/2022 registered at Police Station Raghogarh, District Guna, for the offence punishable under Section 34 (2), 49 (A) of the Madhya Pradesh Excise Act, 1915.

2. As per prosecution story, the police apprehended the applicant and recovered from him possession 65 bulk litres of illicit liquor, for which, the applicant was not having valid license.

3. Learned counsel for the applicant argued that the applicant has not committed any offence and he has been falsely implicated in the present case. He further submitted that Police Raghogarh gave a notice under section 41 of Cr.P.C to the petitioner and released him on 22.6.22 but no date and time was mentioned in the notice for filing chargesheet against him and petitioner is illiterate person and he has no knowledge about furnishing bail in the court, when petitioner received bailable warrant from the court then he has applied for the anticipatory

bail, therefore, he may be granted the benefit of anticipatory bail. He further submitted that the applicant undertakes to co-operate in investigation and trial.

4. Per contra, learned counsel for the State opposed the bail application and submitted that after receiving FSL report, the liquor was found to be unfit for consumption. He further submits that 21 criminal cases are pending against the petitioner and thus, prays for rejection of bail application.

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

6. Considering the submissions advanced by the learned counsel for the parties and the fact that earlier applicant was released after giving him notice under section 41 of Cr.P.C. and later after receiving FSL report, since the liquor was found to be unfit for human consumption section 49-A of Excise Act was added and during that period applicant had not committed any offence, without commenting on the merits of the case, the application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime number, he shall be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one surety in the like amount to the satisfaction of the arresting officer. This order shall be governed by the following conditions:

(a) the applicant shall co-operate with the investigation and make himself available for interrogation by a police officer as and when required;

(b) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) If the applicant is found involved in any criminal case of the same nature during this bail period, this order granting the benefit of anticipatory bail shall be liable to be cancelled; and

(d) he shall not leave the territory of India without the prior permission of the Court.

7. Application stands allowed and disposed of.