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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

**ON THE 24<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 16389 of 2024**

**BETWEEN:-**

**HARIOM S/O NIRMAL PATIDAR, AGED ABOUT 35  
YEARS, OCCUPATION: LABOUR KHEDA, TEHSIL  
BADNAWAR DISTRICT DHAR (MADHYA PRADESH)**

**.....APPLICANT**

**(BY MS. NITISHA P. POKHARNA - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION BADNAWAR, DISTRICT DHAR (MADHYA  
PRADESH)**

**.....RESPONDENT**

**(BY SHRI PRASHANT JAIN - GOVERNMENT ADVOCATE)**

*This application coming on for admission this day, the court passed the  
following:*

**ORDER**

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.116/2024 dated (not mentioned) registered at Police Station- Badnawar, District-Dhar (M.P.) for commission of offence punishable under sections 34(2) of M.P. Excise Act.

2. Prosecution story, in brief is that, on 22.02.2024 the applicant was found in possession of 60 bulk litres of liquor without having any valid license or authority. Accordingly crime was registered against the applicant.

3. Learned counsel for the applicant/accused submits that the applicant

has not committed the offence and he has falsely been implicated in the case. It is submitted that the applicant has no criminal antecedents. The offence is exclusively triable by the J.M.F.C. and applicant is in custody since 22.02.2024. Investigation is complete and the charge sheet has been filed. Conclusion of trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

4 . On the other hand, learned counsel for the non-applicant/State has opposed the prayer and prayed for its rejection.

5. Having considered the rival submissions and after perusal of the case diary so also looking to the 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-**Harionm** shall be released on bail on his furnishing a personal bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of 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.

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