

# Premnarayan vs The State Of Madhya Pradesh on 23 October, 2024

**Author: Sanjeev S Kalgaonkar**

**Bench: Sanjeev S Kalgaonkar**

NEUTRAL CITATION NO. 2024:MPHC-IND:30605

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR  
ON THE 23rd OF OCTOBER, 2024  
MISC. CRIMINAL CASE No. 45538 of 2024  
PREMNARAYAN  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Vikas Yadav , learned counsel for the applicant.  
Shri Rajesh Joshi GA for the respondent/State.

## ORDER

This first bail application has been filed by the applicant under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.139/2024 registered at Police Station Harangaon, District - Dewas (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act As per the case of prosecution, on the basis of secret information on 10/09/2024, Shri Shubham Singh, SHO, Police Station - Harangaon alongwith police force reached the spot and seized 54 bulk liters country- made liquor from the possession of accused Narendra Uike. He informed that Madhav and Abhishek had given the alleged liquor to him. During investigation, the police recovered 55.8 bulk liters country-made plain liquor from the possession Madhav and Abhishek. The illicit liquor was seized in due compliance with the procedure. On such allegations, Police Station -

NEUTRAL CITATION NO. 2024:MPHC-IND:30605 2 MCRC-45538-2024 Harangaon, District Dewas (M.P.) registered FIR at Crime No. 139/202 for the offence punishable under Section 34(2) of M.P. Excise Act against Narendra, Madhav and Abhishek. Madhav and Abhishek informed in their statements recorded under section 23(2) of Bharatiya Saksha Adhiniyam, 2023 that they had brought illicit liquor from Premnarayan (applicant). Statements of witnesses have been recorded. Relevant seizures have been made. The investigation is underway. Applicant Premnarayan is

apprehending his arrest in this matter.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, contends that applicant has been falsely implicated in the matter merely on the basis of statement of co-accused in police custody. No offence as alleged is made out against the applicant. Learned counsel further submits that applicant is aged around 43 years and is a Labourer by profession. No criminal antecedent has been reported against applicant. Applicant is suffering from cancer ailment. There is no likelihood of absconding leaving their family and home. There is no likelihood of tampering with evidence by applicant. The alleged offence is triable by Judicial Magistrate First Class. The applicant is ready to co-operate in the investigation. Therefore, applicant may be extended the benefit of anticipatory bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence. Heard learned counsel for the parties and perused the case diary.

NEUTRAL CITATION NO. 2024:MPHC-IND:30605 3 MCRC-45538-2024 Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on the merits of the case, this Court is inclined to grant anticipatory bail to the applicant. Thus, the application is allowed.

Accordingly, it is directed that in the event of arrest of applicant applicant-

Premnarayan shall be released on bail in relation to Crime No.139/2024 registered at Police Station Harangaon, District - Dewas (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act. upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the same amount to the satisfaction of the Officer making arrest, for compliance with the following conditions: (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall make himself available for investigation as may be directed by the officer, in-charge of investigation;

1/41 1/2 vUos" k.kdrkZ iqfyl vf/kdkjh ds funsZ'kkuqlkj vuos" k.k gsrq vkosnd miyC/k jgsxkA (2) Applicant shall not commit or get involved in any offence of similar nature;

1/42 1/2 vkosnd leku izd`fr dk dksbZ vijk/k ugha djsxk ;k mlesa lfEefyr ugha gksxkA (3) Applicant 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 them/him/her from disclosing such facts to the Court or to the police officer;

1/43 1/2 vkosnd izdj.k ds rF;ksa ls ifjfr fdLh O;fDr dks izR;{k ;k vizR;{k :i ls izyksHku /kedh ;k opu ugha nsxk] ftlls ,slk O;fDr ,sls rF;ksa dks U;k;ky; ;k iqfyl vf/kdkjh dks izdV djus ls fuokfjr gksA (4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

NEUTRAL CITATION NO. 2024:MPHC-IND:30605 4 MCRC-45538-2024 1/44 1/2 vkosnd izR;{k ;k vizR;{k :i ls lk{; ds lkFk NsMNkM djus dk ;k lk{kh ;k lkf{k;ksa dks cgykus&Qlykus] ncko Mkyus ;k /kedkus dk iz;kl ugha djsxkA (5) Upon submission of final report under Section 173 of Cr.P.C/ 193 of Bhartiya Nagrik Suraksha Sanhita, 2023, the applicant shall furnish fresh personal bond and solvent surety of aforementioned amount to the satisfaction of the Trial Court, if so directed and thereafter, shall remain present on every date of hearing as may be directed by the concerned Court;

1/45 1/2 /kkjk 173 na-iz-la-@193 Hkkjrh; ukxfjd lqj{kk lafgrk] 2023 ds rgr vafre izfrosnu izLrqr gksus ij] ;fn ,slk funsZf'kr fd;k tkrk gSa] vkosnd fopkj.k U;k;ky; dh larqf"Vizn iwoZ mYysf[kr jkf'k dk uohu oS;fDrd ca/ki= ,oa izfrHkw ca/ki= izLrqr djsxk vkSj mlds mijkar lacaf/kr U;k;ky; ds funsZ'kkuqlkj lquokbZ dh izR;sd frfFk ij mifLFkr jgsxkA (6) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C/ 346 of Bhartiya Nagrik Suraksha Sanhita, 2023, regarding examination of witnesses in attendance;

1/46 1/2 fopkj.k ds nkSjku] mifLFkr xokgksa ls ijh{k.k ds lacaf/k esa vkosnd /kkjk 309 na- iz-la-@346 Hkkjrh; ukxfjd lqj{kk lafgrk] 2023 ds izko/kkuksa dk mfpr vuqikyu lqfuf'pr djsxkA 10/ This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

11/ The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR) NEUTRAL CITATION NO. 2024:MPHC-IND:30605 5 MCRC-45538-2024 JUDGE amol