

# Akash vs The State Of Madhya Pradesh on 21 January, 2025

**Author: Sanjeev S Kalgaonkar**

**Bench: Sanjeev S Kalgaonkar**

NEUTRAL CITATION NO. 2025:MPHC-IND:1508

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR  
ON THE 21st OF JANUARY, 2025  
MISC. CRIMINAL CASE No. 1542 of 2025  
AKASH  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Gaurav Kumar Verma advocate for the applicant.  
Shri Apoorv Joshi public prosecutor for the State.

## ORDER

This first application has been filed by the applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 1096/2024 registered at Police Station - Industrial Area, Dewas, District - Dewas (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act. Applicant is in judicial custody since 12/12/2024.

As per the case of prosecution, Head Constable Poonamchand Chandel of PS- Industrial Area, Dewas received secret information with regard to unloading of illicit liquor at the house near Imali Chowk, Bawadiya. Accordingly, raid was conducted on 22/10/2024. Sanjay Tanwar was found near the car and 117 bulk liters country-made plain liquor was recovered from the car. The car and the illicit liquor was NEUTRAL CITATION NO. 2025:MPHC-IND:1508 2 MCRC-1542-2025 seized from the possession of Sanjay Tanwar. Later, house was also raided. Ajay Rajput was found in the house. Total quantity 61.64 bulk liters country-made plain liquor was recovered from the house. Both the accused could not produce any valid licence for possession and transportation of the liquor. On such allegations, PS- Industrial Area, Dewas registered FIR at Crime no. 1096/2024 for the offence punishable under Section 34(2) of M.P. Excise Act against Ajay Rajput and Sanjay Tanwar. Both the accused were arrested on the spot on 22/10/2024. Sanjay and Ajay in their statement recorded under Section 23(2) of The Bharatiya Sakshya Adhiniyam informed that Akash and Sanjay had purchased illicit liquor. Akash was patrolling the vehicle wherein the liquor was transported. Akash was arrested on 12.12.2024. On completion of investigation, final report has been submitted.

Learned Counsel for the applicants, in addition to the grounds mentioned in the application, submits that applicants have been falsely implicated in this matter merely on statement of co-accused in police c u s t o d y. No offence, as alleged, is committed by the applicant. Applicant Akash is aged around 26 years and is labourer by profession. He is sole bread earner of his family. The alleged offence is triable by Judicial Magistrate First Class. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail NEUTRAL CITATION NO. 2025:MPHC-IND:1508 3 MCRC-1542-2025 application on the ground of gravity of the alleged offence and cites criminal history of two cases against applicant Akash.

In reply, learned counsel for the applicant submits that the applicant was sentenced to imprisonment for TRC and fine for offence under section 34(1) of MP Excise Act. He has never been convicted for any major offence.

Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

In view of the age, profession, socio-economic status, family background and responsibility of the applicant, there appears to be no likelihood of his tampering with the evidence or possibility to flee from justice.

Considering the rival contentions, nature and gravity of accusation against the applicant, his conduct reflected by the material on record and overall circumstances of the case, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, the application (M.Cr.C. No. 1542 of 2025) is allowed.

Accordingly, it is directed that applicant - Akash shall be released on bail in connection with the crime as stated in para-1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court/The Committal Court for compliance with conditions, as may be imposed by such Court under Section 437(3) of Cr.P.C. 1973, to secure presence of the applicant for the trial.

NEUTRAL CITATION NO. 2025:MPHC-IND:1508 4 MCRC-1542-2025 This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get the 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) JUDGE BDJ