

Rajesh Rajak vs The State Of Madhya Pradesh on 27 February, 2025

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

NEUTRAL CITATION NO. 2025:MPHC-IND:5224

1
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 27th OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 8935 of 2025
RAJESH RAJAK
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Aditya Singh Tomar - Advocate for the applicant.
Ms Nisha Jaiswal - Panel Lawyer for the respondent/St

ORDER

This first application has been filed by the applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in connection with Crime No. 37/2025 registered at Police Station - Lasudiya, District - Indore (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act. Applicant is in judicial custody since 07.01.2025.

As per the case of prosecution, Sub-Inspector Sanjay Vishnoi of Police Station - Lasudiya along with police party conducted a raid on godown at Lasudiya Modi on 07/01/2025 to verify the secret information. Jaipal Singh, Manoj Tiwari, Hiralal @ Chhotu, Rajesh Kumar Rajat (applicant) and Rahul Jaiswal were found in the godown during the raid. Country-made foreign liquor, total quantity 405 bulk liters and packaging material was seized from the godown. The accused informed that Rahul Jaiswal and Jaipal Singh were packaging and transporting the illicit liquor in NEUTRAL CITATION NO. 2025:MPHC-IND:5224 2 MCRC-8935-2025 partnership. Manoj Tiwari, Hiralal and Rajesh Rajat were their workers to assist in packaging and transporting of illicit liquor. The illicit liquor was seized from possession of Rahul Jaiswal and Jaipal Singh. All the accused were arrested on spot. P.S.- Lasudiya registered FIR for the offence punishable under section 34(2) of M.P. Excise Act against Rahul Jaiswal, Jaipal Singh, Manoj Tiwari and Rajesh Kumar Rajat. The applicant is in custody ever since. Investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the matter. Applicant is aged 30 years. He is a labourer by profession. He was paid daily wages to work in the godown. He was not aware about illegal packaging and transporting of the liquor. No offence, as alleged, is committed by the applicant. No criminal antecedent is reported against him. Further custodial interrogation of the applicant is not needed in the matter. Co-accused - Manoj Tiwari has been extended benefit of bail vide order dated 10.02.2025 passed in M.Cr.C. No. 5440/2025. Therefore, applicant may be extended the benefit of bail.

Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence. However, after going through the case diary, he fairly states that no criminal antecedent is reported against the applicant.

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

NEUTRAL CITATION NO. 2025:MPHC-IND:5224 3 MCRC-8935-2025 The case diary, in particular, the statement of co-accused recorded under section 23(2) of Bharatiya Sakshya Adhiniyam, 2023 reveals that the applicant was working in the godown as a labourer for assisting him in packaging of illicit liquor. The liquor was procured and illegally transported by main accused Rahul Jaiswal and Jaipal Singh. The possibility of false implication in factual scenario of the case cannot be ruled out. As per the case diary, the applicant is aged around 30 years and is a labourer by profession. He is sole bread earner of his family. Considering these aspect, there appears to be no possibility of fleeing from justice. In absence of any criminal antecedent, considering the socio-economic status of the applicant and the complainant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant or repeating the offence. The trial would take time to conclude. There appears to be no compelling reason to continue incarceration of the applicant. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, present application is allowed.

Accordingly, it is directed that applicant - Rajesh Kumar 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 NEUTRAL CITATION NO. 2025:MPHC-IND:5224 4 MCRC-8935-2025 compliance with conditions, as may be imposed by such Court under Section 437(3) of Cr.P.C. 1973/ Section 480(3) of BNSS, 2023, to secure presence of the applicant for the trial.

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 sh