

# Lalit Gaur vs The State Of Madhya Pradesh on 13 December, 2024

**Author: Sanjeev S Kalgaonkar**

**Bench: Sanjeev S Kalgaonkar**

NEUTRAL CITATION NO. 2024:MPHC-IND:35626

1

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR  
ON THE 13th OF DECEMBER, 2024  
MISC. CRIMINAL CASE No. 51475 of 2024  
LALIT GAUR  
Versus  
THE STATE OF MADHYA PRADESH

Appearance:  
Shri Vikas Rathie advocate for the applicant.  
Shri Apoorv Joshi public prosecutor for State.

## ORDER

This first bail application has been filed by the applicant under section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No. 380/2024 registered by P.S. Alirajpur District - Alirajpur (M.P.) for the offence punishable under Section 34(2), 46 of MP Excise Act.

As per the case of prosecution, ASI Pyarelal Yadav of PS Alirajpur intercepted a truck registration No. RJ-09-GC-6690 in the night of 6.7.2024 near Undawa bifurcation on Ambua Road on secret information. Sunil son of Babulal was found transporting country made foreign liquor beer total quantity 12000 liters. Sunil could not produce any valid permit for transportation of illicit liquor and the vehicle was seized in due process of NEUTRAL CITATION NO. 2024:MPHC-IND:35626 2 MCRC-51475-2024 law from possession of Sunil. P.S. Alirajpur registered FIR at crime No. 380/2024 for offence punishable under Sections 34(2) and 46 of MP Excise Act against Sunil. Sunil was arrested on 6.7.2024. During investigation, Sunil informed in his statement recorded under section 23(2) of Bhartiya Sakshya Adhiniyam that he was transporting the liquor at the instructions of Salesman Lalit of Government Wine Shop at village Udaygadh. Accordingly Lalit was searched but he could not be apprehended. Investigation is underway. The applicant is apprehending arrest in the matter.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in this matter on the basis of statement of accused in police custody. Learned counsel submits that the liquor was transported under valid permit issued by the Excise Department. No offence, as alleged, is committed by the applicant. The applicant is working as Salesman at the government liquor shop. Learned counsel further submits that applicant is aged around 51 years. There is no likelihood of his absconsion leaving his family, home and job. No criminal antecedent, similar in nature, is alleged against the applicant. He is ready to cooperate in the investigation. Therefore, the applicant may be extended the benefit of anticipatory bail.

Per contra, learned counsel for the State opposed the bail application. However, at the instructions of investigation officer Ravindra Prasad Dangi, learned counsel submits that the transport permit NEUTRAL CITATION NO. 2024:MPHC-IND:35626 3 MCRC-51475-2024 was issued for transportation of vehicle from Udaigadh to Sondhwa in vehicle No. RJ-09-GC-6690 which was valid upto 5.7.2024 till 9.30 pm. The illicit liquor was seized around 5 am in the morning of 6.7.2024. Thus, it was found that the liquor was transported beyond the purview of transport permit.

In reply learned counsel for the applicant submits that there was slight delay in transportation of illicit liquor. The applicant cannot be held irresponsible for the delay. He was not present in the truck which was permitted to transport the liquor.

Heard learned counsel for parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on 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 his arrest, applicant - Lalit Gaur shall be released on bail in connection with Crime No. 380/2024 registered by P.S. Alirajpur District - Alirajpur (M.P.) for the offence punishable under Section 34(2) and 46 of MP Excise Act upon furnishing a personal bond in the sum of Rs.5,00,000/- (Rupees Five Lacs Only) with one solvent surety to the satisfaction of the officer making arrest/Trial Court, for compliance with the following NEUTRAL CITATION NO. 2024:MPHC-IND:35626 4 MCRC-51475-2024 conditions: (For the 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 Investigation Officer.

(1) 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;

(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;

(3) 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 fuokfir gksA (4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness; (4) vkosnd izR;{k ;k vizR;{k :i ls lk{; ds lkFk NsMNkM djus dk ;k lk{kh ;k lkf{k;ksa dks cgykus&Qqlykus] ncko Mkyus ;k /kedkus dk iz;kl ugha djsxkA (5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C/346 of the BNSS. regarding examination of witnesses in attendance;

(5) fopkj.k ds nkSjku] mifLFkr xokgksa ls ijh{k.k ds laca/k esa vkosnd /kkjk 309 na-

iz-la-@ 346 Hkkjrh; ukxfjd lqj{kk lafgrk ds izko/kkuksa dk mfpr vuqiky lqfuf'pr djsxkA 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 trial Court shall get these conditions reproduced on the personal NEUTRAL CITATION NO. 2024:MPHC-IND:35626 5 MCRC-51475-2024 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