

Shivram vs The State Of Madhya Pradesh on 31 January, 2025

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

NEUTRAL CITATION NO. 2025:MPHC-IND:2585

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 31st OF JANUARY, 2025
MISC. CRIMINAL CASE No. 4823 of 2025
SHIVRAM
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Mr. Harshit Tapadiya- Advocate for the applicant.

Shri Vinod Thakur GA for the State.

ORDER

1. This first application has been filed by the applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No. 259/2024 registered at Police Station - Chandpur District - Alirajpur (M.P.) for offence punishable under Sections 34(2) and 46 of M.P. Excise Act. Applicant is in judicial custody since 21/01/2025.

2. As per the case of prosecution, Yogendra Singh Sojatiya, In-

charge of PS - Chandpur, District-Alirajpur intercepted one pickup vehicle on secret information on 19.12.2024,. Malkhan Singh and Chiman Singh were found transporting 46 cartons containing country made foreign liquor beer, total quantity 552 bulk liters without any valid permit.. The vehicle and the illicit liquor was seized in due compliance with the procedure from the joint possession of Malkhan Singh and NEUTRAL CITATION NO. 2025:MPHC-IND:2585 2 MCRC-4823-2025 Chiman Singh. PS-Chandpur District Alirajpur registered FIR for the offence punishable under Sections 34(2) and 46 of M.P. Excise Act against Malkhan Singh and Chiman Singh. They were arrested on the spot on 19.12.2024. Malkhan Singh and Chiman Singh, in their statement recorded under section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023, informed that Sriram @ Shivram Rawat enticed them to transport the illicit liquor to Gujrat. Accordingly, Shivram (applicant) was arrested on 21/01/2025. He is in custody ever since. Call details with regard to communication between the accused was requisitioned. Investigation is underway.

3. Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter merely on the basis of statement of co-accused in police custody. No offence, as alleged, is committed by the applicant. No incriminating material or liquor was seized from his possession. 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.

4. 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.

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

6. The case diary and the material on record reveals that the applicant is implicated on the information given by the co-accused in police custody. However, no incriminating article is recovered at his instance. Further custodial interrogation of applicant is not needed in the matter. The applicant is aged around 19 years and is an agriculturist by profession. He is still dependent on his family. 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.

7. 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, the application (M.Cr.C. No. 4823 of 2025) is allowed.

8. Accordingly, it is directed that applicant - Shivram 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/ Section 480(3) of BNSS, 2023, to secure presence of the applicant for the trial.

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9. 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.

10. 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 amol