

Roopsingh vs The State Of Madhya Pradesh on 10 February, 2025

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

NEUTRAL CITATION NO. 2025:MPHC-IND:3420

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 10th OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 5478 of 2025
ROOPSINGH
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Ravi Sagre - Advocate for the applicant.
Shri Amit Raval GA for the State.

ORDER

1. 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. 584/2024 registered at Police Station - Neemuch Cant, District - Neemuch (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act. Applicant is in judicial custody since 25/01/2025.

2. As per the case of prosecution, on 11/12/2024, Sub-Inspector, Diwan Singh Chouhan of PS. Neemuch Cant. Neemuch received secret information with regard to illegal transportation of illicit liquor. Acting upon the said information, the police reached the spot, where Rajulal was found transporting country made plain liquor and country-made foreign liquor whiskey and beer, total quantity of 219.96 bulk liters in Pick-Up vehicle without any valid permit. The liquor and the vehicle was seized in due NEUTRAL CITATION NO. 2025:MPHC-IND:3420 2 MCRC-5478-2025 compliance with the procedure from Rajulal. Accused Rajulal, in his statement recorded under section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023, informed that Roopsingh had provided him illicit liquor for transporting and delivery to Arjunsingh. On such allegations, Police Station

- Neemuch Cant registered FIR at Crime No. 584/2024 for offence punishable under Section 34(2) of M.P. Excise Act against Rajulal. 16 Quarters of country-made foreign liquor was recovered at the

instance of Roopsingh (applicant). The applicant was arrested on 25/01/2025. He is in custody ever since. Investigation is underway.

3. Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is 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 criminal antecedent is reported against the applicant. 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.

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.

NEUTRAL CITATION NO. 2025:MPHC-IND:3420 3 MCRC-5478-2025 further custodial interrogation of the applicant is not needed in the matter. The possibility of false implication in factual scenario of the case cannot be ruled out. The veracity of prosecution will be considered at trial after evidence. As per the case diary, the applicant is aged around 51 years and is a labourer by profession. He is sole bread earner of his family. Considering this 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.

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, present application is allowed.

8 Accordingly, it is directed that applicant - Roopsingh 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 NEUTRAL CITATION NO. 2025:MPHC-IND:3420 4 MCRC-5478-2025 the applicant for the trial.

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