

Dulichand vs The State Of Madhya Pradesh on 15 January, 2025

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

NEUTRAL CITATION NO. 2025:MPHC-IND:951

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IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 15th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 433 of 2025
DULICHAND
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Mukesh Sinjonia - Advocate for the applicant.
Shri Madhusudan Yadav GA for the State.

ORDER

This first application has been filed by the applicant under Section 439 of Cr.P.C./483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in connection with Crime No. 539/2024 registered at Police Station - Balakwada, District Khargone (M.P.) for offence punishable under Section 34(2) of M.P. Excise Act. Applicant is in judicial custody since 26/12/2024.

As per the case of prosecution, on 23/12/2024, ASI Ashok Naiyyar of Police Post - Khaltaka, PS - Balakwada, District - Khargone intercepted pick-up vehicle bearing registration no. MP_11-G-2901 for verification of secret information. Satish S/o Kailash Jadhav found transporting country-made foreign liquor, total quantity 960 bulk liters NEUTRAL CITATION NO. 2025:MPHC-IND:951 2 MCRC-433-2025 in pick-up vehicle without any valid permit. The liquor and the vehicle was seized in due compliance with the procedure from Satish. Police Station - Balakwada, District - Khargone registered FIR at Crime No. 539/2024 for offence punishable under Section 34(2) of M.P. Excise Act against Satish. Accused Satish, in his statement recorded under section 23(2) of Bharatiya Sakshya Adhiniyam, 2023, informed that the illicit liquor was provided to him by Dhulichand (applicant). Accordingly, Dulichand was arrested on 26/12/2024. He is in custody ever since. His statement under section 23(2) of Bharatiya Sakshya Adhiniyam, 2023 was recorded, however, no recovery was made at his instance. The investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter on the basis of statement of co-accused in police custody. No incriminating article has been seized from the possession of applicant. The illicit liquor was not recovered from the conscious possession of applicant. No offence, as alleged, is committed by the applicant. Applicant is aged around 38 years. He is a labourer by profession. He is sole bread earner of his family. There is no likelihood of his absconsion leaving his family, home and profession. No criminal antecedent is reported against the applicant. There is no likelihood of tampering with evidence by applicant. The alleged offence is triable by Judicial Magistrate First Class. The trial would take time to complete.

NEUTRAL CITATION NO. 2025:MPHC-IND:951 3 MCRC-433-2025 Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of the alleged offence.

Heard learned counsel for the 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 release the applicant on bail. Thus, the application is allowed, Accordingly, it is directed that applicant -Dulichand 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, to secure presence of the applicant for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the concerned Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get the conditions reproduced on the NEUTRAL CITATION NO. 2025:MPHC-IND:951 4 MCRC-433-2025 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