

# Ankit Sondhiya vs The State Of Madhya Pradesh on 30 September, 2024

**Author: Sanjeev S Kalgaonkar**

**Bench: Sanjeev S Kalgaonkar**

NEUTRAL CITATION NO. 2024:MPHC-IND:28637

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR  
ON THE 30<sup>th</sup> OF SEPTEMBER, 2024  
MISC. CRIMINAL CASE No. 41176 of 2024  
ANKIT SONDHIYA  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Ritesh Kumar Sharma - Advocate for the applicant.  
Shri Romil Verma - Govt. Advocate for the respondent/St

## ORDER

This first bail application has been filed by the applicant under Section 438 of Cr.P.C. /Sec 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. 265/2024 registered by P.S. Suthaliya District Rajgarh(M.P.) for the offence punishable under Sections 34(2) of M.P. Excise Act.

As per the case of prosecution, S.I..Karmveer Singh received secret information on 04.09.2024 around 6:56 p.m. that illicit liquor is being transported in a White Colour Pick-Up Vehicle on Biaorra Road. Sub Inspector Karmveer Singh reached Gindorahaat Tiraha. One Bolero Pik-Up vehicle was intercepted. Dhanraj S/o Maniram Verma was found transporting illicit liquor. The country made plain liquor and country made foreign liquor and beer, total quantity 435 bulk litres was recovered from the vehicle. Dhanraj could not produce license for NEUTRAL CITATION NO. 2024:MPHC-IND:28637 2 MCRC-41176-2024 transportation of the said illicit liquor, therefore, the vehicle and liquor was seized in compliance with the procedure. Dhanraj was arrested on the spot. Statement of Dhanraj was recorded u/S 23(3) of Bhartiya Saksh Adhiniyam, 2023. Dhanraj informed that Ankit Sodhiya was guiding him for transportation of liquor. On such allegations, P.S. Suthaliya Distt. Rajgarh registered FIR at Crime No. 265/2024 for offence punishable under Section 34(2) of MP Excise Act against accused dhanraj and Ankit Sodhiya. 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 the matter merely on the basis of information of accused -

Dhanraj in police custody. The illicit liquor was not recovered from his conscious possession. There is no evidence to connect the applicant with the alleged offence. Applicant is aged 20 years. He is an agriculturist by profession. There is no likelihood of his absconson leaving his family, home and profession. No criminal antecedents is alleged against the applicant. There is no likelihood of tempering with the evidence. The custodial interrogation of the applicant is not needed in the matter. 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 opposes the bail application on the ground of gravity of alleged offence and submits that as per the call detail report, there was communication between accused -

NEUTRAL CITATION NO. 2024:MPHC-IND:28637 3 MCRC-41176-2024 Dhanraj and applicant between 5:30 p.m. and 6:00 p.m. on the same day. It shows involvement of the applicant in the alleged offence. Applicant may not be extended the benefit of anticipatory bail.

In reply, learned counsel for the applicant submits that as per the case of prosecution, the secret information was received at 6:56 p.m. The Illicit liquor was seized at 10:00 p.m. and Dhanraj was arrested around 22:10 p.m., therefore call detail report cannot be inferred to implicate the applicant with the alleged offence.

Heard learned counsel for parties and perused the record.

Considering the arguments advanced by both the parties and overall circumstances of the case, having regard to the young age of the applicant, 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 - Ankit Sodhiya S/o Jagdish Sodhiya, shall be released on bail in connection with Crime No.265/2024 registered by P.S. Suthaliya District Rajgarh(M.P.) for the offence punishable under Sections 34(2) of M.P. Excise Act, upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety to the satisfaction of the officer making arrest/Trial Court, for compliance with the following conditions:(For the convenience of understanding by accused and NEUTRAL CITATION NO. 2024:MPHC-IND:28637 4 MCRC-41176-2024 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 concerned Court.

(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 fuokfjr 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{k lafgrk ds izko/kkuksa dk mfpr vuqikyu lqfuf'pr djsxkA This order shall be effective till the end of trial. However, in the case of breach of any of the pre-conditions of bail, it shall become ineffective without reference to the Court.

C.C. as per rules.

(SANJEEV S KALGAONKAR) JUDGE sh