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MCRC-1812-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 23rd OF JANUARY, 2025MISC. CRIMINAL CASE No. 1812 of 2025*BHARATLAL**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Ashish Tiwari - Advocate for the applicant.

Shri Anand Soni - Additional Advocate General with Shri Amit Raval

- Govt. Advocate for the respondent/State.
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HEARING ON REQUISITIONING AND TRANSMISSION OF
CASE DIARIES

Heard, Superintendents of Police appearing through Video conferencing from District - Mandsaur, Dhar, Agar Malwa and Ujjain.

They informed that as per the present system of communication, the requisition of case diaries are forwarded through Radio/Wireless Message or Whatsapp Message to a Nodal Officer of the District, who further communicates the message to concerned police station. Some times, the communication gets delayed or missing. They suggested that if the message is communicated through the CCTNS System, it will increase the efficiency and ease of working for the concerned concerned SHO. They further suggest that the e-*Rakshak* App of the M.P. Police is yet to be configured for all the



SHOs'. In the later stage, an '*Alert*' may also be forwarded on e-*Rakshak* App. It will facilitate prompt remittance of case diaries on requisition from the High Court.

Heard the suggestions.

Let Mr. Kuldeep Singh Kushwah, Registrar(I.T.-C.S.A), High Court of Madhya Pradesh and Mr. Chanchal Shekar, A.D.G.(S.C.R.B.) appear through Video Conferencing on 30.01.2025 to explain the proceedings undertaken in furtherance of the directions of this Court passed on 24.09.2024 in M.Cr.C. No. 36997/2024

All the Superintendents of Police present today through video conferencing are requested to join the hearing through V.C. on 30.01.2025.

They are discharged from hearing today.

(Sanjeev Kalgaonkar)
Judge

FOR HEARING ON BAIL APPLICATIONORDER

This first application has been filed by the applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 129/2018 registered at Police Station - Excise, Unhel District - Ujjain (M.P.) for offence punishable under Section 34(1)(a) and 34(2) of M.P. Excise Act. Applicant is in judicial custody since 06.01.2025.

As per the case of prosecution, on 15.09.2018, S.I., P.S. Excise Circle, Distt Ujjain received secret information with regard to transportation of illicit country made liquor. Acting upon the information, accused Chogalal who was riding on Black Colour Motorcycle bearing registration no. MP13 DN 6645 was intercepted. On search, total 54 bulk litres of illicit country made liquor was recovered. The motor cycle and the illicit liquor was seized from the possession of accused Chhogalal in compliance with due procedure. The accused could not produce any valid license for possession and transportation of the liquor. On such allegations, PS- Excise Circle registered FIR for the offence punishable under Section 34(2) of M.P. Excise Act against Chogalal. During investigation, it came to light that the motorcycle so seized was registered in the name of applicant - Bharatlal. Accordingly, applicant Bharatlal was arrested on 06.01.2025. He is in custody ever since.



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 merely on suspicion. No offence, as alleged, is committed by the applicant. Applicant - Bharatlal is aged around 45 years and is labourer by profession. He is sole bread earner of his family. The alleged offence is triable by Judicial Magistrate First Class. No criminal antecedent is reported against the applicant. The trial would take time to complete. 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 the arguments, perused the grounds for grant of bail stated in the application and the case diary.

In view of the age, profession, socio-economic status, family background and responsibility of the applicant, there appears to be no likelihood of his tampering with the evidence or possibility to flee from justice.

Considering the rival contentions, nature and gravity of accusation against the applicant, his conduct reflected by the material on record and overall circumstances of the case, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, the application is allowed.



Accordingly, it is directed that **applicant - Bharatlal S/o Laxman** 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, to secure presence of the applicant for the trial.

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 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.

List the matter for further hearing, only with regard to requisition and transmission of case diaries on 30.01.2025 at 10:30 a.m. at the top of the list.

(SANJEEV S KALGAONKAR)
JUDGE

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