
(2021) 08 MP CK 0162

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.41564 Of 2021

Banesingh S/O Gordhan Singh Sondhiya

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 24-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2021) 08 MP CK 0162

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Vikas Yadav, A.K.Saxena, Chitralekha Hardia

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is second repeat application filed under section 439 Cr.P.C seeking bail in connection with Crime No.144/2021 registered at police station

Machalpur, district Rajgarh for the offence punishable under section 34(2) of the M.P Excise Act. The first application was dismissed as withdrawn

on 21.06.2021.

As per prosecution case, 60 bulk liters of country made illicit liquor has been recovered from the possession of the applicant.

Learned counsel for the applicant submits that applicant has been falsely implicated in the offence. He is in custody since 22.05.2021. The offence is

triable by Magistrate. The investigation is complete and charge sheet has been filed. There is no likelihood of early conclusion of the trial, hence

prayed for release of the applicant on bail.

Prayer is opposed by the learned counsel for the respondent/State.

Case-diary perused.

Taking into consideration the quantity of contraband alleged to have been recovered from the applicant coupled with the fact that he is in custody

since 22.5.2021, without commenting on the merit of the case, the application is allowed and the applicant is directed to be released on bail upon his

furnishing personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand) with one surety in the like amount to the satisfaction of the trial Court

for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial and shall also

abide by the conditions enumerated under section 437(3) Cr.P.C.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID

-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.