

(2020) 06 MP CK 0110

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 14817 Of 2020

Maju S/o Chunnilal Kewat

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 30-06-2020

Acts Referred:

Madhya Pradesh Excise Act, 1915 — Section 34(1), 34(2), 36, 49A
Code Of Criminal Procedure, 1973 — Section 437(3)
Indian Penal Code, 1860 — Section 294, 323

Citation : (2020) 06 MP CK 0110

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Gyanendra Sharma, Saransh Jain

Judgement

This is second repeat application filed under section 439 Cr.P.C seeking bail in connection with Crime No.1028/2019 registered at Police Station

Excise Circule, Barwani, district Barwani for the offence punishable under section 34(1), 34(2), 49-A & 36 of the M.P Excise Act. The first

application was dismissed as withdrawn vide order dated 18.02.2020 in MCRC No.54788/2019 as the applicant was found in possession of 75 bulk

liters of liquor and having criminal antecedents.

Learned counsel for the applicant submits that the applicant is in custody since 21.12.2019 and there is no progress in trial due to lock down. He

submits that as per the case diary two cases were registered against him; in one case under section 34 of the M.P Excise Act, fine has been imposed

against him and in another case registered under sections 294 & 323 IPC he has been discharged vide judgment dated 21.12.2018. Apart from these

two cases he is not having any case pending before the Court, hence prays for

release of the applicant on bail.

Learned counsel for the State opposes the prayer for bail and prays for its rejection.

Applicant has filed the copy of the judgment dated 21.12.2018 by which he has been discharged and in another offence under section 34 of the M.P

Excise Act only fine was imposed against him.

Keeping in view the period of custody of the applicant without commenting on the merit of the case, the application is allowed. The applicant is

directed to be released on bail upon his furnishing personal bond in the sum of Rs.40,000/-(Rupees Forty 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.