
(2021) 06 MP CK 0182

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.31169 Of 2021

Nageshwar S/O Shubharam & Sumer S/O Tulsiram

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 25-06-2021

Acts Referred:

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

Citation : (2021) 06 MP CK 0182

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : M.K.Vijayvargiya, R.S.Bhadoria

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is first application filed u/s 439 Cr.P.C seeking bail in connection with Crime No.120/2021 registered at police station Akodiya, district Shajapur

for the offence punishable u/s 34(2) of the M.P Excise Act.

As per prosecution case 62 bulk liters of country made liquor has been recovered from the joint possession of the applicants.

Learned counsel for the applicants submits that applicants have been falsely implicated in the offence. There is no criminal antecedence against them.

They are in custody since 26.5.21. 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 joint possession of the applicants coupled with the fact

that they are in custody since 26.5.21 and there is no criminal antecedents against them, without commenting on the merit of the case, the application

is allowed and the applicants are directed to be released on bail upon each of them 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 their 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 them 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.