

**(Satish Balmik vs. State of M.P.)****Gwalior, Dated: 05/8/2021****Heard through video conferencing.**

Shri Prasun Maheshwari, learned counsel for the applicant.

Shri Ravindra Singh Kushwah, learned Dy. Advocate General  
for the respondent-State.

This is first application under Section 439 of CrPC for grant of  
bail.

The applicant has been arrested on 01/12/2019 in connection  
with Crime No.500/2019 registered at Police Station Janakganj,  
District Gwalior for offence under Section 49-A of Excise Act.

It is submitted by learned counsel for applicant **Satish Balmik**  
that the applicant has been falsely implicated. He has not committed  
any offence. It is further submitted that the applicant is in jail since  
last more than one year and eight months. Trial will take long time to  
conclude. Hence, prayed for grant of bail to the applicant looking to  
his custody period.

Per contra, learned State counsel opposed the bail application  
and has submitted that as per FSL report, the liquor seized from the  
possession of the applicant was found unfit for human consumption.  
It is further submitted that there is also criminal history of 20 cases  
against the present applicant. Hence, prayed to reject the bail

application.

Heard learned counsel for the rival parties and perused the materials available on record.

Only considering the custody period of the applicant i.e. more than one year and eight months as well as the fact that trial will take long time to conclude, without commenting on merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail his furnishing personal bond of **Rs.1,00,000/- (Rupees One Lakh only)** with one solvent surety in the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant, his Corona Virus test shall be conducted and if it is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his house, and if the test is found positive then the applicant shall be immediately sent to concerning hospital for her/his treatment as per medical norms. If the applicant is fit for release and if he is in a position to make his personal arrangements, then he shall be released only after taking due travel permission from local administration. After release, the applicant is further directed to

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strictly follow all the instructions which may be issued by the Central Govt./State Govt. or Local Administration for combating the COVID-19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him/her in custody and would send him/her to the same jail from where he/she was released.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4. The applicant shall not commit any offence otherwise this bail order shall automatically stand cancelled;**

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5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;

6 . The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

**7. If the applicant remains absent before the trial Court on any date during trial, this bail order shall automatically stand cancelled; and**

8 . The applicant will inform the SHO of concerned police station about his residential address in the said area and it would be the duty of the Public Prosecutor to send E-copy of this order to SHO of concerned police station for information.

Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for Compliance.

Certified copy/ e-copy as per rules/direction.

AKS

**(Rajeev Kumar Shrivastava)**  
**Judge**