

THE HIGH COURT OF MADHYA PRADESH
MCRC No.59042/2021
Gurumeet Singh vs. State of M.P.

Gwalior, Dated :06/12/2021

Shri Anil Jha, Counsel for the applicant.

Shri C.P. Singh, Panel Lawyer for the respondent/State.

Case diary is available.

This fourth application under Section 439 of Cr.P.C. has been filed for grant of bail. The third application was dismissed as withdrawn by order dated 8.11.2021 passed in M.Cr.C.No.52198/2021.

The applicant has been arrested on 3.6.2021 in connection with Crime No.151/2021 registered at Police Station Dehat Dabra, District Gwalior for offence under Sections 34(2) and 49(A) of Excise Act.

The previous bail applications have already been dismissed on merits. However, by order dated 8.11.2021 passed in M.Cr.C.No.52198/2021, this Court had granted liberty to the applicant to revive the prayer after undergoing some reasonable period of detention.

It is submitted by the counsel for the applicant that the applicant is in jail from 3.6.2021 and he has completed more than six months of his pre-trial custody. The allegations are that the applicant was in possession of 3492 bulk litres of country made liquor worth Rs.15,92,000/- as well as packing material. The applicant has no criminal history. In view of serious nature of allegation, he is ready

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and willing to abide by any stringent condition which may be imposed by the Court including that of furnishing cash surety. One of the seizure witness has been examined and he has not supported the prosecution case. The trial is likely to take sufficiently long time and there is no possibility of his absconding or tampering with the prosecution case.

Per contra, the application is vehemently opposed by the counsel for the respondent/State. However, it is fairly conceded that the applicant is in jail from 3.6.2021 and he has no criminal history.

Considering the period of custody but in view of large quantity of illicit liquor along with packing material seized from the possession of the applicant, this Court is of the considered opinion that the applicant can be granted bail only on stringent condition of furnishing cash surety. Accordingly, the application is **allowed**. It is directed that the applicant shall be released on bail on furnishing cash surety of **Rs.3,00,000/- (Rupees Three Lacs Only)** or in the alternative on depositing **his** original title-deed(s) [not Rin Pustika] of the immovable property worth of more than the said amount, as directed by the Supreme Court in the case of **Sharo @ Shahrukh Vs. The State of MP by order dated 06.09.2021 passed in SLP (Cri) No. 6321/2021** to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

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This order shall remain effective till the end of trial but in case of bail jump, it shall become ineffective.

It is made clear that single default in appearance before the Trial Court, or in case of registration of new offence, this bail order shall automatically come to an end and the cash surety so furnished by the applicant shall automatically stand forfeited without any reference to the Court. In case, the title deeds have been deposited, then the same shall not be returned unless and until the surety amount is deposited.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat and others Vs. State of M.P.** Passed on **18.03.2021** in **Criminal Appeal No. 329/2021**, the intimation regarding grant of bail be sent to the complainant.

CC as per rules.

(alok)

(G.S. Ahluwalia)
Judge