

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE
SINGLE BENCH:HON'BLE SHRI JUSTICE ALOK VERMA

M.Cr.C No.13011 / 2016

Mukesh Puri s/o Babu Puri

Vs.

State of Madhya Pradesh

Shri Lucky Jain, learned counsel for the applicant.

Ms. Mamta Shandilya, learned counsel for the respondent/State.

ORDER
(Passed on 21/03/2017)

This application under Section 482 Cr.P.C. is filed against the order passed by learned IIIrd Additional Sessions Judge, Indore in Criminal Revision No.875/2016 dated 02/12/2016, whereby, learned Additional Sessions Judge dismissed the revision filed against the order passed by learned Chief Judicial Magistrate, Indore in Criminal Case No.27443/2016 dated 21/11/2016.

2) Relevant facts giving rise to this application are that the present applicant was arrested by Excise Department, Excise Circle, Kachhi Mohalla, Indore in Crime No.110/2016 for having in his possession 171 bulk litres of contraband country liquor. The applicant was sent jail on 13/06/2016. Excise Department filed the charge-sheet/complaint before the Court on 02/08/2016. Trial Court framed the charges under Section 34(2) M.P. Excise Act on 02/09/2016 and

thereafter, the present applicant is facing trial.

3) An application under Section 437(6) Cr.P.C. was filed by the applicant before the Trial Court praying thereby that he may be granted bail, as trial could not be concluded within two months. The case was first fixed for evidence.

4) Learned counsel for the applicant placed reliance on judgment passed by Co-ordinate Bench of this Court in case of ***Arjun*** vs. ***State of M.P.*** in **M.Cr.C. No.79/2010** dated **22/01/2010**, wherein the Co-ordinate Bench of this Court quoting the order passed by this Court in case of ***Ram Kumar Rathore*** vs. ***State of M.P.*** [**2001 (1) JLJ 404**], held that provisions of Section 437 (6) Cr.P.C. is mandatory. Co-ordinate Bench of this Court observed as under :-

“It is true that petitioner is entitled for grant of bail under Section 437(6), Cr.P.C. if the trial is not concluded within a period of 60 days. The evidence commenced in the case w.e.f. 2-9-09 and could not be concluded within period of 60 days. It is also true that the Court is empowered to reject the application for grant of bail under Section 437 (6), Cr.P.C. for the reasons to be recorded. The ground that the petitioner is a habitual offender of committing the similar type of offences is a valid ground.”

5) Learned counsel for the respondent/State vehemently opposed the application. According to him, the offence is a serious offence. The delay in trial is normal delay.

6) I have gone through the impugned order. Learned Additional Sessions Judge while disposing of the revision petition observed that the offence is of serious nature. The Court is trying to dispose of the matter by issuing summons and warrants to the prosecution witnesses. Learned

Magistrate had recorded valid and reasonable reasons for disallowing the bail application. Learned Magistrate observed that looking to the quantity of contraband allegedly seized from possession of the applicant and also looking to the fact that the offence is anti social, the bail application was dismissed.

7) Taking all these facts and circumstances into consideration, in my considered opinion, the reasons assigned by both the Courts below are valid reasons. At this stage, no interference is called for. However, Trial Court is directed to conclude the trial within three months from the date of receipt of certified copy of this order. The applicant is at liberty to renew his prayer for grant of bail, in case, trial of the case is not concluded within stipulated time.

With observations and directions as above, the matter stands disposed of.

Certified copy as per rules.

(Alok Verma)
Judge