

**THE HIGH COURT OF MADHYA PRADESH**  
**M.Cr.C. No. 29122/2020**  
***Babu S/o. Kesha Gurjar. V/s. State of M.P.***  
**-: 1 :-**

**Indore, dated : 25.09.2020**

Applicant by Shri Sanjay Sharma, Advocate.

Respondent/State by Shri Gaurav Singh Chouhan, Panel Advocate.

**ORDER**

This is the **first** application filed under Section **439** of **Cr.P.C.** by the applicant – **Babu S/o. Kesha Gurjar**, who has been arrested by Police on **1.8.2020** in connection with **Crime No.246/2020, Police Station Ravti, District Ratlam** for the offence punishable under **Section 34(2)** of the **M.P. Excise Act**.

**2.** As per prosecution case, co-accused Johar @ Sohan has been found in illegal possession of 54 bulk litres of illicit country made liquor. On his statement u/s. 27 of the Evidence Act, the present has also been made accused in this case.

**3.** Learned counsel for the applicant submits that applicant has not committed any offence and he has been falsely implicated in the offence. He is in custody since 1.8.2020. 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 due to Covid-19 epidemic. He, therefore, prayed for release of the applicants on bail.

**4.** Prayer is opposed by the learned counsel for the respondent/State.

**5.** Case-diary perused. Considering the aforesaid facts and circumstances of the case, without commenting anything on the merits of the case, the application is allowed. The applicant is directed to be released on bail upon his furnishing personal bond in

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**-: 2 :-**

the sum of **Rs.50,000/- (Rupees Fifty 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.

**6.** 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.

**( VIVEK RUSIA )  
JUDGE**

*Alok/-*