

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 30939/2020
Johar @ Sohan & another. V/s. State of M.P.
-: 1 :-

Indore, dated : 25.09.2020

Applicants by Shri V.K. Gangwal 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 applicants – **Johar @ Sohan S/o. Magan Vasuniya** and **Jitendra S/o. Setu Jhojiya**, who have 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, applicant No.1 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, applicant No.2 has also been made accused in this case.

3. Learned counsel for the applicants submits that applicants have not committed any offence and they have been falsely implicated in the offence. They are 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. The applicants have no criminal antecedents. 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

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merits of the case, the application is allowed. The applicants are directed to be released on bail upon their furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** each with separate sureties 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.

6. Before releasing the applicants 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.

**(VIVEK RUSIA)
JUDGE**

Alok/-