

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.35791/2020
Ganesh S/o Babulal Mongiya & Gopal S/o Ramesh Mongiya V/s. State of M.P.
-: 1 :-

Indore, dated : 25.09.2020

Shri Nilesh Manore, learned counsel for the applicant.
Respondent/State by Ms. Priyanka Raj Panwar, Panel
Lawyer.

ORDER

This is **First** application under Section 439 Cr.P.C. by applicants – **Ganesh S/o Babulal Mongiya and Gopal S/o Ramesh Mongiya**, who have been arrested by Police on **02.08.2020** in **Crime No.262/2020**, **Police Station Ingoriya, District Ujjain** concerning **offence under Section 34(2) of the M.P. Excise Act.**

2. Heard learned counsel for the parties through video conferencing and perused the case diary.

3. As per prosecution case, on 02.08.2020, 61 bulk liters country made liquor has been recovered from the joint possession of the applicants.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. They have no criminal antecedents. 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. He, therefore, prayed for grant of bail to the applicants.

5. On the other hand, learned Panel Lawyer opposes the prayer for grant of bail.

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6. I have perused the case-diary. Taking into consideration the quantity of contraband alleged to have been recovered from the applicants coupled with the fact that they have no criminal antecedents, without commenting on the merits of the case, the application is **allowed with a condition that before releasing the applicants trial Court shall verify about the criminal antecedents of the applicants and if he found any criminal antecedent of the applicants then this order shall be treated as cancelled** and the applicants are directed to be released on bail upon their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) each**, with **one solvent surety each** in the like amount to the satisfaction of 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) of Cr.P.C.

7. 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**