

HIGH COURT OF MADHYA PRADESH,

BENCH AT INDORE

MCRC NO.50645/2020

Sidhanath s/o Kashiram Nayak vs. State of M.P

13.01.2021: (INDORE):

Shri A.K.Saxena, learned counsel for the applicant.

Ms.Poorva Mahajan, learned Panel Advocate for the respondent/State.

Heard learned counsel for the parties through video conferencing.

This is second repeat bail application filed under section 439 Cr.P.C seeking bail in connection with Crime No.339/2020 registered at police station Sunera, district Shajapur for the offence punishable under section 34(2) of the M.P Excise Act. The first application was dismissed on merit on 20.11.2020 in MCRC no.45713/2020.

As per prosecution case 54 bulk liters of country made illicit liquor was recovered from the possession of the applicant.

Learned counsel for the applicant submits that applicant has been falsely implicated in the offence. He is in custody since 19.10.2020. 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, hence prayed for release of the applicant on bail.

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

Case-diary perused.

Taking into consideration the quantity of contraband alleged to have been recovered from the applicant coupled with the fact that he is custody since 19.10.2020, without commenting on the merit of the case, the application is allowed with the condition of future good conduct. The applicant is directed to be released on bail upon his furnishing personal bond in 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. It is made clear that if the applicant is found involved in any criminal case of the similar nature during this bail period, this order granting the benefit of bail to the applicant shall be cancelled automatically.

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

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