

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 9667/2020
Kamalsingh S/o. Bapulal V/s. State of M.P.
-: 1 :-

Indore, dated : 09.07.2020

Applicants by Shri A.K. Saxena, Advocate.

Respondent/State by Ms. Archana Maheshwari, Panel Advocate.

ORDER

This is first application under Section **439** of **Cr.P.C.** by the applicant – **Kamalsingh S/o. Bapulal**, who is under arrest since **7.1.2020** in **Crime No.13/2020**, registered at **Police Station Kalipith, District Rajgarh** for the offence punishable under **Section 34(2)** of the **Excise Act**.

2. Heard the learned counsel for the parties through Video Conferencing and perused the case diary.

3. As per the prosecution story, on 7.1.2020, the applicant was found in possession of 60 bulk litres of country made liquor valued Rs.5,000/- without any valid licence.

4. Learned counsel for the applicant submits that there no criminal case is pending against the present applicant because case u/s. 376 of IPC is registered against Kamal Singh S/o. Bhuraji and name of the present applicant is Kamal Singh S/o. Dhyansingh. The bail application (M.Cr.C. No.9638/2020) preferred by Kamal Singh S/o. Bhuraji has been dismissed vide order dated 3.3.2020. The applicant is in jail since 7.1.2020. The investigation has been completed and challan has also been filed. No further custodial interrogation is required. He, therefore, prays for grant of bail to the applicant.

6. Learned Panel Advocate opposes the bail application and prayed for dismissal of the same.

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7. I have perused the case-diary. In view of the fact that the applicant is in jail since 7.1.2020 and challan has already been filed and no further custodial interrogation is required I am of the opinion that this is a fit case for grant of bail to the applicant.

8. Accordingly, the application is hereby allowed. It is directed that on furnishing a personal bond by the applicant in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with one solvent surety in the like amount to the satisfaction of concerned trial Court, he shall be released on bail, subject to the condition that he shall make himself available to the Police, as and when required during the investigation and will also remain present before the trial Court as and when directed in that behalf. Before releasing the applicant from the custody the jail authorities are directed to medically examine him 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**

k/-