

**HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE**  
**M.Cr.C. No.29667 of 2021**  
**Ramkrishan & another Vs. State of M.P.**

**Indore, Dated:- 18/06/2021**

Shri Ranjeet Gurjar, Counsel for the applicants – Ramkrishan and Narayan.

Shri Sachin Jaiswal, Counsel for the respondent/State.

They are heard. Perused the case-diary.

This is the **second** application under Section 439 of Criminal Procedure Code, 1973, as they are implicated in connection with Crime No.227/2021 registered at Police Station Suthaliya District - Rajgarh (MP) for offence punishable under Section 34(2) of M.P. Excise Act.

The applicants are in custody since 25.05.2021.

Earlier bail application M.Cr.C. No.26674/2021 has already been dismissed as withdrawn vide order dated 07.06.2021 with liberty to renew the prayer after filing of charge-sheet.

The allegation against the applicants are that 63 bulk litres of unauthorized liquor was found in their joint possession.

Counsel for the applicant has submitted that the trial is held up due to Covid -19 and the applicants are in jail since 25.05.2021. Counsel has further submitted that there are no criminal antecedents against the applicants.

Counsel for the respondent/State, on the other hand, has opposed the prayer.

Having considered rival submissions and on perusal of the case-diary, taking note of the fact that the applicants are in jail since 25.05.2021

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and the final conclusion of trial is likely to take sufficient long time and there are no criminal antecedents against the applicants, this Court finds it expedient to allow the present bail application.

Accordingly, without commenting on the merits of the case, the application filed by the applicants is allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of **Rs.25,000/- (rupees twenty five thousand) each** with separate solvent sureties of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicants are found to be involved in any criminal activities, after their release on bail, then the present bail order shall stand cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused persons in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

**(SUBODH ABHYANKAR)**  
**JUDGE**

**Pankaj**