

The High Court Of Madhya Pradesh

MCRC-37184-2021

(VIJENDRA Vs THE STATE OF MADHYA PRADESH)

Indore, Dated : 03-08-2021

Heard through Video Conferencing.

Shri Piyush Shrivastava, learned counsel for the applicant.

Shri Jayesh Vyas PL for the respondent/State.

This is **first** application under Section 439 of the Code of Criminal Procedure, 1973. The applicant is in Jail since 11/07/2021 in connection with Crime No. 171/2021 registered at P.S.- Avantipur Barodiya, District- Shajapur (M.P.) for commission of offence punishable under Section 34(2) of the M. P. Excise Act.

As per prosecution story, the applicant was found to be in possession of 66 bulk litres liquor unauthorisedly and illegally during the search by police. Accordingly, a case has been registered.

Learned counsel for the applicant contended that applicant is innocent and he has been falsely implicated in this offence. No further custodial investigation is required. The applicant has already suffered jail incarceration since 11/07/2021. He has no criminal antecedents. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Learned PL for respondent – State opposes the bail application. He supported the order impugned passed by the trial Court and prays for rejection of the present bail application.

Perused the impugned order of the trial Court as well as the case dairy.

Considering the aforesaid and other facts and circumstances of the case and possibility of delay in conclusion of the trial cannot be ruled out, I deem it proper to release the accused / applicant on bail. Therefore, without commenting on the merits of the case, the application is allowed.

It is directed that applicant **Vijendra** be released on bail on his furnishing personal bonds in the sum of **Rs.40,000/- (Rs. Forty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.,

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 directions issued by the Hon'ble Apex Court in W.P.No. 01/2020.

Certified copy, as per Rules.

