

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M CR C No. 48784 / 2021

BADU Vs. STATE OF MP

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INDORE, Dated : 20/10/2021

Heard through video conferencing.

Mr. Bhagwan Singh, learned counsel for the applicant.

Mr. Shashwat Seth, learned PL for the respondent – State.

This is first application under Section 439 of Cr.P.C. filed on behalf of the applicant for grant of bail. The applicant is implicated in connection with Crime No. 243/2021 registered at Police Station- Kalyanpura, Distt. Jhabua (MP) for offence punishable under Section 34(2) of M.P. Excise Act. The applicant is in custody since 16/08/2021.

02. As per prosecution story, on 16/8/2021, source information was received by the police that applicant and co-accused Mukesh were carrying liquor with them. On the said information, police laid a trap and reached on the spot. Applicant and co-accused were intercepted and 60 bulk liters of country made liquor was seized from their possession for which they did not offer any valid explanation. Accordingly, offence has been registered against the present applicant and co-accused.

03. Learned counsel for the applicants submits that the applicant is innocent person and has been falsely implicated in this case. There is no evidence against him and he did not have any kind of liquor. Applicant is in custody since 16/8/2021 and there is no progress in the trial due to Covid-19 epidemic. There is no criminal antecedents against the present applicant. He, therefore, prayed for grant of bail.

04. Per contra, learned Government Advocate for respondent – State opposes the bail application and prays for its rejection. It is

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submitted that there is no criminal antecedents against the applicant.

05. Considering the facts and circumstances of the case and also keeping in view the fact that trial will take considerable long time for its final conclusion, without commenting upon the merits of the case, I deem it proper to release the applicant on bail.

06. Accordingly, the application filed by the applicant is allowed. The applicant is directed to be released on bail on his furnishing personal bond in the sum of Rs.40,000/- (Rupees Forty thousand only) with one solvent surety of the like amount each to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he 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.

07. Before releasing the applicant from 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.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

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