

The High Court of Madhya Pradesh : Bench at Indore

M.Cr.C. No.59701/2021
(Golu @ Raja & Rajkumar Vs. State of M.P)

Indore:06.12.2021

Shri Himanshu Thakur, learned counsel for the applicants.

Shri Gopal Yadav, learned Public Prosecutor for the non-applicant/State.

Arguments heard.

Perused the charge-sheet.

This is first application under section 439 of Cr.P.C. for grant of bail on behalf of applicants, who are in custody since 12/11/2021 in connection with Crime No.564/2021, registered at Police Station – Sanwer, District – Indore(M.P.), for the offence punishable under Section 34(2) of M.P. Excise Act.

According to the prosecution case, 63 bulk litres of country made liquor has been seized from the possession of the present applicants. Accordingly, a case has been registered against the applicants.

Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case. The investigation is over and charge-sheet has been filed. There is no criminal past of the applicants. The case is triable by the Judicial Magistrate First Class. The applicants are in custody since 12/11/2021. The conclusion of trial will take sufficient time. On the aforesaid grounds, prayer is made to release the applicants on bail.

Learned Panel lawyer has opposed the application and prayed for its rejection, but he fairly submitted that there is no criminal antecedents against the applicants.

Looking to the facts and circumstances of the case, on perusal of the material available on record including the case diary, without commenting on the merits of the case, this application is **allowed**. It is directed that the applicants/accused

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be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)each** with one solvent surety each in the like amount to the satisfaction of the trial court for securing their presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicants shall comply with the provisions of Section 437(3) Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government with regard to 'COVID-19' before releasing the applicant.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.

(Rajendra Kumar (Verma))
Judge