

HIGH COURT OF MADHYA PRADESH,

BENCH AT INDORE

MCRC NO.17144/2020

Saroj s/o Narbahadur Rajput & one another vs. State of M.P

30.06.2020: (INDORE):

Shri Omprakash Solanki, learned counsel for the applicants.

Shri Akashdeep Shukla, learned Panel Advocate for the respondent/State.

Heard learned counsel for the parties through video conferencing.

This is first application filed under section 439 Cr.P.C seeking bail in connection with Crime No.174/2020 registered at police station Kanwan, district Dhar for the offence punishable under section 34(2) of the M.P Excise Act.

As per prosecution case, the applicants were found transporting liquor without permit and license from Nagda to Indore.

Learned counsel for the applicants submits that the applicants are first offenders. They are in custody since 21.05.2020. The trial may take time to conclude due to Covid-19 epidemic. The investigation is complete and charge sheet has been filed. The offence is triable by Magistrate. He further submits that if the applicants, who are residents of district Dhar, are released on bail they are ready and willing to donate 5-5 liters of alcoholic based

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sanitizer and 200-200 good quality masks to the District Hospital, Dhar for the use of para-medical staff.

Learned counsel for the State opposes the bail application and prays for its rejection.

Considering the facts and circumstances of the case and the arguments advanced by the learned counsel for the applicant, without commenting on the merit of the case, the application is allowed with conditions. The applicant are directed to be released on bail subject to donating 5-5 liters of alcoholic based sanitizer and 200-200 good quality masks to the District Hospital, Dhar for the use of para-medical staff and upon each of them furnishing personal bond in the sum of Rs.40,000/- (Rupees Forty Thousand) with one surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

Before releasing the applicant from the custody the jail authorities are directed to medically examine them 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.

C.c as per rules.

(VIVEK RUSIA)  
JUDGE

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