

(2021) 07 MP CK 0222

**Madhya Pradesh High Court****Case No:** Miscellaneous Criminal Case No.37444 Of 2021

Dilip

APPELLANT

Vs

State Of M.P

RESPONDENT

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**Date of Decision:** July 30, 2021**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 437(3), 439
- Madhya Pradesh Excise Act, 1915 - Section 34(2)

**Hon'ble Judges:** Arun Kumar Sharma, J**Bench:** Single Bench**Advocate:** K. S. Rajput, Seema Jaiswal**Final Decision:** Allowed

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**Judgement**

Arun Kumar Sharma, J

This is first application filed by the applicant/accused under Section 439 of Cr.P.C for grant of bail, who has been arrested on 15.06.2021 by Police

Station Seoni Malwa, District-Hoshangabad, (M.P.) in connection with Crime No.328/2021 registered for the offence punishable under Section 34 (2)

of the M.P. Excise Act.

It is alleged that the applicant was found in illegal possession of 58 bulk liters of illicit liquor.

I t is submitted by the counsel for the applicant that the applicant is innocent. He is in custody since 15.6.2021. Charge sheet has been filed. Trial will

take time. Further custody of the applicant is not warranted. Hence, he be released on bail

Learned PL has opposed the application.

Considering the facts and circumstances of the case, this application is allowed and it is ordered that the applicant / accused Dilip be released on bail

on his furnishing a personal bond for the sum of Rs.25,000/-with a solvent surety in the like amount to the satisfaction of the trial court for securing his

presence before the said Court on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-

section (3) of Section 437 of Cr.P.C.

In view of the outbreak of Corona Virus Disease (COVID-19), the applicant shall also comply with the rules and norms of social distancing.

Further, in view of the order passed by the Hon'ble Supreme court in suo motu W.P.No.1/2020, it would be appropriate to issue the following

directions to the Jail authorities :-

1. The Jail Authority shall ensure the medical examination of the applicant by the jail doctor before his release.

- 2 . The applicant shall not be released if he is suffering from Corona Virus Disease and for this purpose, appropriate tests will be carried out.

3. If it is found that the applicant is suffering from "Corona Virus Disease,, necessary steps will be taken by the concerned authority by placing

him in appropriate quarantine facility.

4. If the applicant is not found infected with the alleged virus, the jail authority shall ensure his transportation from the jail to his place of residence.

The transportation shall be done in full compliance of the rules and norms of social distancing.

Certified copy as per rules.