HIGH COURT OF MADHYA PRADESH

M.Cr.C.No.46178/2020

JABALPUR : 01/12/2020

Shri Shivam Mishra, Advocate for the applicant.

Shri Pradeep Dwivedi, P.L. for the respondent / State.

Case is taken up through video conferencing.

Case diary is available. Arguments heard.

This is first bail application under Section 439 of Cr.P.C. filed on behalf of applicant Ravishankar, who is in custody since 23.10.2020 in relation to Crime No.480/2020 registered at Police Station Kurai, District Sagar (MP) for the offence punishable under Section 34(2) of the M.P. Excise Act.

According to the prosecution story, allegation against the applicant is that from his illegal possession 54 bulk liters of liquor was seized.

Learned counsel for the applicant submits that the applicant is innocent and is in custody since 23.10.2020. The case is triable by Magistrate. He has no criminal antecedents. Charge-sheet has been filed. Trial will take time. There is no likelihood of his absconding or tampering with the prosecution witnesses. No purpose will be served by keeping him in further custody. During Covid-19, there is a need to reduce the crowd in jails. Hence, prayer is made to enlarge the applicant on bail.

On the other hand, learned P.L. opposed the submissions and prayed for rejection of the bail application.

Considering the facts and circumstances of the case, in view of this Court, the applicant is entitled to be released on bail. Hence, this application is **allowed**. Applicant Ravishankar is directed to be released on bail on his furnishing a personal bond in a sum of **Rs.25,000/-** with a local solvent surety in the like amount to the satisfaction of JMFC concerned or CJM for his appearance in trial Court on the dates so fixed by that Court during trial. It is directed that applicant shall comply the provisions of Section 437(3) Cr.P.C.

Certified copy as per rules.

(J.P.Gupta)
Judge

HEMANT SARAF

Digitally signed by HEMANT SARAF
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