

The High Court Of Madhya Pradesh**MCRC-13988-2021***(CHHUNU @ SHIVRAM SHUKLA Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 30-04-2021****Heard through Video Conferencing.**

Shri Mahesh Acharya, learned counsel for the applicant.

Ms. Supriya Singh, learned Panel Lawyer for the respondent/State.

On account of prevailing conditions worldwide brought about by the COVID-19 virus, the present application has been heard through video conferencing in order to maintain social distancing. The necessary parties have effectively been represented by their respective counsel via video conferencing.

Heard and perused the record.

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.272/2021 registered at the Police Station Excise Jabalpur, District Jabalpur (M.P.) for the offence punishable under Sections 34(1) and 34(2) of Excise Act.

It is alleged that about 61 Bulk liters of illicit liquor has been seized from the possession of the present applicant. The applicant is in jail since 28-02-2021. There are three criminal cases pending against the applicant.

Learned counsel for the applicant submits that in the excise matter he has already been acquitted.

Taking into consideration the alleged quantity of liquor seized from the possession of the applicant and the fact that the applicant is in jail since 28.02.2021, I am of the view that the present applicant is entitled to be released on bail.

Accordingly, the present applicant- **Chunnu alias Shivram Shukla** shall be released from the custody upon furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand) with one surety of the like amount to the satisfaction of the trial Court. Further, the applicant shall comply the

provisions of Section 437(3) Cr.P.C. The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS in SUO MOTU “ W.P. (C) No.1/2020 and ensure that the applicant is examined by the jail doctor before his release. If the applicant shows symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID-19 patients. If the doctor is of the opinion that the applicant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled automatically without reference to the Court and the Police will be at liberty to arrest the applicant.

A typed copy of this order be forwarded to the Office of the Advocate General and to Ms.Supriya Singh, Panel Lawyer, on their respective e-mail address for intimation to the Police Station concerned. The Office is also directed to forward a copy of this order to the learned Court below.

Accordingly, the bail application is **allowed**.

C.c. as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

hsp