

HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 43176/2018

(Kuldeep Singh Sood Vs. State of MP)
Gwalior dated 13.12.2018

Shri J.D. Suryavanshi, Senior Advocate with Shri J.P. Mishra, learned counsel for the applicant.

Shri R.S. Yadav, Public Prosecutor for Respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this first application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Satanvada, District Shivpuri in connection with Crime No. 82/2018 registered in relation to the offences punishable u/S. 8, 15 & 18 of NDPS Act.

Allegation against the applicant in short are that the prosecution has recovered 156 Kg 580 grams of Poppy straws drug and 210 grams of opium from the possession of the applicant.

The applicant aged 55 years is a reputed citizen of the locality and has been falsely implicated in the present case. The charge sheet has since been filed and further custodial interrogation of the applicant may not be required. Infact, nothing has been recovered from the Dhaba owned by the applicant, but the contraband items have been recovered from the godown of one Rajkumar which is situated about 1000 feet away from the Dhaba. The applicant is in jail since 14/08/2018 and early conclusion of trial is bleak possibility and prolonged pre-trial detention is an anathema to the concept of liberty. Under these grounds, applicant prays for grant of bail.

HIGH COURT OF MADHYA PRADESH**M.Cr.C. No. 43176/2018**

Learned Public Prosecutor for the State opposed the application on the ground that entire contraband items have been recovered from the Almira of the room situated immediately on the back side of the Dhaba, which belonged to the applicant. The recovery memo also contains signature of the applicant, therefore, it cannot be said that the contraband items do not belong to the applicant. The quantity of the contraband items was very huge and custody period is also very less and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

On considering the submissions made by learned counsel for the parties and looking to the facts and circumstances of the case particularly the nature of allegation, gravity of the offence and role played by the applicant, I am of the opinion that this is not a fit case, in which bail may be granted to the present applicant **Kuldeep Singh Sood**. Accordingly, application of the present applicant under Section 439 Cr.P.C. relating to the aforesaid crime is hereby dismissed.

C.c. as per rules.

(S.A. Dharmadhikari)
Judge

Durgekar*