

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK**

**ON THE 2<sup>nd</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE NO. 47676 OF 2022**

**Between:-**

**BANWARI MEENA S/O SHRI MAJBOOT  
SINGH MEENA, AGED 26 YEARS,  
OCCUPATION – AGRICULTURIST, R/O  
VILLAGE TULSIKHEDI, POLICE  
STATION KUMBHRAJ, DISTRICT GUNA,  
MADHYA PRADESH**

**.....APPLICANT**

**(BY SHRI S.K.TIWARI - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH  
THROUGH POLICE STATION  
KUMBHRAJ, DISTRICT GUNA  
(MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI A.P.S. TOMAR – PANEL LAWYER)**

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*This application coming on for hearing this day, the Court passed  
the following:*

**ORDER**

The applicant has filed this **second** bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 16.07.2022 by Police Station Kumbhraj, Guna (Madhya Pradesh) in connection with Crime No.196/2022 for the offence punishable under Sections 8/20 of N.D.P.S. Act.

It is the submission of learned counsel for applicant that applicant is suffering confinement since 16.07.2022 and charge sheet has already been filed. As per allegations, applicant was carrying 5 kg and 80 gram of Ganja. Surprisingly, no Apex Perpetrators have been arrested by the police and applicant has been falsely implicated. Looking to the nature of allegations where only applicant has been arrested, it reflects the motive of police regarding false implication. Applicant bears criminal record of one case pertaining to offence under Section 394/397 of IPC. He learnt the lesson hard way and would mend his ways and would become a better citizen by not involving in any criminal activity in future. Confinement amounts to pretrial detention. Applicant undertakes to cooperate in trial. Under these circumstances, his case may be considered for bail.

Learned Panel Lawyer for the respondent/State opposes the prayer and prays for dismissal of the application.

Heard learned counsel for the parties and perused the documents appended thereto.

Considering the submissions advanced by the counsel for the applicant, this Court intends to allow the application. It is hereby directed that the applicant shall be released on bail on his furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent**

**surety** of the like amount to the satisfaction of trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/ trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be.
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

Application stands **allowed and disposed of**.

Copy of this order be sent to the trial Court concerned for compliance.

This Court time and again expresses the thought regarding nature of investigation in N.D.P.S. Act cases where carriers are only arrested. It is the duty of the police to reach the Apex Perpetrators who give narcotic drugs of psychotropic substances to the carriers and role of the persons who receive the drugs in due course are to be investigated. This Court earlier vide order dated 18.11.2022 passed in M.Cr.C.No.49624 of 2022

raised an expectation with the D.G. Police to sensitize the Officers about such nature of investigation. This Court reiterates the thought for contemplation.

Copy of this order be sent to Director General of Police and D.G. Prosecution Bhopal for contemplation and taking appropriate steps in this regard.

Certified copy as per rules.

**(ANAND PATHAK)**  
**JUDGE**

AK/-