



1 MCRC-32669-2025
IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE AMIT SETH

ON THE 1st OF AUGUST, 2025

MISC. CRIMINAL CASE No. 32669 of 2025

SHANU KHAN

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Anshu Gupta - Advocate for the petitioner.

Shri Abhishek Singh Bhadoria Public Prosecutor appearing on behalf
of Advocate General[r-1].

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ORDER

This is the first application filed by the applicant u/S. 483 of B.N.S.S./439 of Cr.P.C for grant of bail relating to Crime No. 484/2025 registered at Police Station - Cant., District - Guna (M.P.) for the offence under Section 8/21, 8/27, 29 of N.D.P.S. Act.

2. As per prosecution story, initially four accused persons namely Chhotu @ Aditya, Manish, Gudda @ Iqbal, Gauri @ Gaurav and Ravi Rajak were found consuming smack by the police authority and from their possession 6.98 grams and 4.12 grams of smack was initially recovered. Subsequently, on their memorandum, the other co-accused in the matter including the present applicant were arrayed as accused and 3.58 grams and



3.12 grams of smack was further recovered. In this manner, total 17.82 grams of smack was recovered from their possession. Accordingly, offence in question has been registered against the present applicant.

3. Learned counsel for the applicant / accused argued that applicant is innocent and has been falsely implicated. Mandatory provisions of NDPS Act have not been followed while seizing the contraband item. Quantity of seized *smack* does not come within the purview of commercial quantity. It is further submitted that applicant is in custody since 04.07.2025. The applicant has been implicated in the present case on the basis of memorandum of co-accused under section 23(2) of BSA, which has no evidentiary value. Since *smack* has already been seized and investigation stands completed by filing of the charge sheet, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District - Guna (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence, if released on bail. Hence, prayed for grant of bail to the applicant.

4. On the other hand, learned State counsel vehemently opposed the bail application on the ground that one criminal case under section 8/21, 29 of NDPS Act has been registered against the applicant apart from the one in question forming criminal antecedents and prayed for its rejection.

5. On which, learned counsel for the applicant submits that bail may be considered by imposing stringent condition.

6. Heard learned counsel for the rival parties and perused the case



diary.

7. Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed, but with stringent condition in view of nature of offence and criminal antecedents of the applicant and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs. 1,00,000/- (Rupees **One Lakh only**) along with two solvent sureties in the like amount to the satisfaction of the trial Court/Committal Court.

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

i) The applicant will comply with all the terms and conditions of the bond executed by him/her;

ii) The applicant will cooperate in the investigation /trial, as the case may be;

iii) The applicant will not indulge himself /herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such acts to the Court or to the Police Officer, as the case may be;

iv) The applicant will not commit any other offence or will not repeat the offence in future. In case offence of same nature is repeated, this bail order shall automatically stand cancelled;



v) The applicant will not seek unnecessary adjournments during the trial; and

vi) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

vii) The applicant shall appear and mark his attendance before the SHO of the police station concerned once in First Saturday of every month between 10 Am to 2 Pm till conclusion of the trial, failing which, it would be open for the prosecution to seek cancellation of the bail order.

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

10. Certified copy as per rules.

**(AMIT SETH)
JUDGE**

Durgekar