

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.18702/2019

(Rishabh s/o Rajendra Singh Chouhan

Versus

The State of Madhya Pradesh)

Indore, Dated 16.05.2019

Mr. Vinod Thakur, learned counsel for the applicant.

Mr. Vinit Jai Hardiya, learned Public Prosecutor for the non-applicant / State of Madhya Pradesh.

They are heard. Perused the case diary.

This first application under Section 439 of Criminal Procedure Code, 1973 has been filed by the applicant, who is implicated in connection with Crime No.321/2019 registered at Police Station Khajarana, District Indore (MP) for offence punishable under Section 8 / 22 and Section 8/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

The applicant is in custody since 18.03.2019.

As per prosecution story, upon a secret information received from informant on 17.03.2019, police personnel apprehended the present applicant and recovered 525 alprazolam tablets (IP 0.5 MG, weight 0.1 gram of each tablet) total weight 52.5 grams of contraband substance from his possession. Hence, the present case has been registered against him.

Learned counsel for the applicant has submitted that the applicant is innocent and he has falsely been

implicated in the present crime. No contraband article has been recovered from the possession of the applicant and he is implicated in the present crime only on the basis of disclosure statement of main accused Chhotu @ Piyush s/o Ranjeet Kushwaha recorded under Section 27 of the Indian Evidence Act, 1872, which is not legal evidence. The applicant is in custody since 18.03.2019. The investigation is over and charge sheet has been filed. The conclusion of the trial will take sufficiently long time and there is no apprehension of the present applicant running away from the course of justice, if released on bail. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor for the non-applicant / State of Madhya Pradesh submits that no sufficient ground is made out for releasing the applicant on bail, hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, coupled with material available in the case diary, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon his / her furnishing a personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five**

Thousand Only) with one solvent surety of the like amount to the satisfaction of trial Court for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(S.K. Awasthi)
Judge