

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

[S. B. : HON'BLE MR. JUSTICE VIVEK RUSIA]

M. Cr. C. No.21778/2021

Mukesh S/o Ramchandra Jaiswal,
Aged – 36 years, Occupation – Labourer,
R/o – 225/2, Village Bhounrasa,
P. S. Bhounrasa, Distt. Dewas (M.P.)

- Applicant

V e r s u s

State of Madhya Pradesh,
Through Police Station Tejjainagar,
Distt. Indore (M.P.)

- Respondent

Indore, dated 03/12/2021

Parties through their counsel.

Heard. Perused the case diary.

This is the fourth repeat bail application under Section 439 of Cr.P.C. for grant of bail. His first application i.e. M.Cr.C.No.39897/2020 was dismissed as withdrawn on 23/11/2020. Second bail application i.e. M.Cr.C.No.71/2021 was dismissed on 13/01/2021 and the third bail application i.e. M.Cr.C.No.7555/2021 was dismissed as withdrawn on 24/02/2021.

Applicant – Mukesh S/o Ramchandra Jaiswal is implicated in Crime No.394/2020 registered at Police Station – Tejjaji Nagar, District Indore (M.P.) for the offence punishable under Section 8 read with Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and he is in custody since 07/08/2020.

As per prosecution story, on 06/08/2020, the police received an information about transportation of contraband from Maruti Van bearing registration No.MP-09-BC-6087. The police team reached to

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the spot and stopped the vehicle in which present applicant and one co-accused Chetan were found. After search, the police has recovered 2.200 kgs. of Cannabis plants.

The investigation was completed and challan is filed now. The bail application of co-accused Chetan bearing M.Cr.C.No.50736/2020 has been allowed by this Court *vide* order dated 31/12/2020 and he has been enlarged on bail.

Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime. He has no criminal antecedents. The quantity of contraband is much less than the commercial quantity. The applicant is in jail since 07/08/2020 and has suffered incarceration of more than 01 year and 03 months. The trial may take time long sufficient time to conclude it. Most of the weight of the seized contraband is of the plant. Hence, he prays that the application be allowed and the applicant be enlarged on bail.

Learned Panel Lawyer for the State opposes the bail application.

In view of the aforesaid facts and circumstances of the case and looking to the period of custody and the evidence collected against the applicant and also looking to the quantity of contraband, without further commenting anything on the merits of the case, it would be appropriate to enlarge the applicant on bail.

Accordingly, this application is allowed and the applicant is directed to be released on bail upon his furnishing personal bond in

the sum of **Rs.1,00,000/- (Rupees One lac only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during the trial as and when required and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

Before releasing the applicant from custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.01/2020.

M.Cr.C. is allowed and stands disposed of.

Certified copy as per rules.

(VIVEK RUSIA)
J U D G E

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