

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.23281/2021

(Reshma Vs. State of M.P.)

Indore, Dated: 18/06/2021

Heard through video conferencing.

Shri Prakash Chandra Shrivastava, learned counsel for the applicant.

Shri Kushagra Jain, learned Panel Lawyer for the respondent / State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This is the **first** application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.128/2021 registered at Police Station Jaora, District Ratlam (MP) for offence punishable under Sections 3/15 of the NDPS Act. The applicant is in custody since 04/04/2021.

Allegation against the applicant is that from her possession 10 kg of poppy straw was seized whereas from the accused Reshma 6 kg of poppy straw has been seized.

Counsel for the applicant has submitted that the charge sheet has already been filed, the applicant is in jail since 04/04/2021 and final conclusion of the trial is likely to take sufficient long time. It is further submitted that there are no criminal antecedents against the applicant and the total quantity seized from the applicant and co-accused is 16 kg which is also less than the commercial quantity. Hence, it is submitted that the bail application be allowed and he be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer and it is submitted that no case for grant of bail is made out, however it is not denied that there are no criminal antecedents of the applicant.

Having considered the rival submissions, perusal of the case diary and taking note of the quantity seized from the present applicant, finding force with the contentions raised by the counsel for the applicant and the fact that the final conclusion of the trial is likely to take sufficient long time, in the considered opinion of this Court, the applicant's application deserves to be allowed.

Accordingly, 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 furnishing a personal bond in the sum of **Rs.1,00,000/- (rupees one lakh)** with one solvent surety of the like amount to the satisfaction of the 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.

It is also observed that if the applicant is found in any of the criminal activities, after his / her release on bail, then the present bail order shall stand cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

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.

(Subodh Abhyankar)
Judge

krjoshi

