

HIGH COURT OF MADHYA PRADESH

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MCRC No.45463/21

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(Kailash Vs. State of M.P.)

Indore, Dated : 16.9.2021

Shri Abhay Saraswat, learned counsel for the applicant.

Shri Viraj Godha, learned PL for the non-applicant/State.

Heard. Perused the case diary.

Submissions were made on second application filed under Section 439 of Cr.P.C. for grant of bail to applicant **Kailash S/o Mangilal Patidar** in respect of Crime No.177/2020 registered at Police Station – Malhargarh, District Mandsaur for allegedly committing the offence punishable under Section 8/15, 29 of NDPS Act. The applicant is in custody since 11.10.2020.

The first bail application being M.Cr.C. No.11168/2021 was allowed for a period of 90 days vide order dated 10.5.2021.

Learned counsel for the applicant has submitted that the incident of recovery of poppy straw (200 kgs) from a vehicle was made on 2.9.2020 and as per the prosecution story, the applicant had fled from the spot but he had been identified by Ansar and subsequent to that his arrest was effected on 11.10.2020. He has drawn Court's attention to statement of Ansar (PW-1), who has turned hostile and has not supported the prosecution story that he had identified the applicant. Learned counsel seeks bail on this ground.

Learned counsel for the State was heard, who has opposed the bail application but he fairly admits the aforesaid situation.

Considered.

On due consideration of the aforesaid submissions, mainly those advanced by the learned counsel for the applicant, without commenting upon the merits of the case, this bail application is allowed and it is directed that applicant– **Kailash S/o Mangilal Patidar** shall be released on bail upon his

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furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **one solvent surety** in the like amount to the satisfaction of the concerned Trial Court/Committal Court for his regular appearance before the Trial Court/Committal Court on all dates of hearing as may be fixed in this behalf by the Court concerned during trial. It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

A copy of this order be sent to the Court concerned for compliance.

M.Cr.C. No.45463/2021 is allowed and stands disposed of.

C.C. as per rules.

(Shailendra Shukla)
Judge

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