

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 19th OF MAY, 2022****MISC. CRIMINAL CASE No. 13256 of 2022****Between:-****RAJESH @ PINTU S/O BHAGATRAM, AGED ABOUT 34 YEARS,
OCCUPATION: AGRICULTURIST R/O.GRAM KACHNARA, TEHSIL
SITAMAU, DISTT MANDSAUR (MADHYA PRADESH)****.....APPLICANT****(BY SHRI S.K. MEENA, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION NARAYANGARH (MADHYA PRADESH)****.....RESPONDENTS****(BY SHRI RANJEET SEN, GOVT. ADVOCATE FOR STATE)***This application coming on for this day, the court passed the following:***ORDER**

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 21.1.2022 in connection with Crime No. 31/2022, registered at P.S.Narayangarh District Mandsaur (M.P.) for commission of offence punishable under Sections 8/18 of NDPS Act.

As per the prosecution story, on 21.1.2022, the police received discrete information from informant regarding illegal transportation of contraband. Acting upon the said information, police party reached on

the spot and recovered 1 Kg of opium from the possession of the present applicant which he was carrying on the vehicle bearing registration No.MP. 14/CB/0574. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in alleged offence. He is in custody since 21.1.2022. Investigation is over and charge sheet has been filed. It is submitted that the seized quantity of contraband is below the commercial quantity. The applicant is permanent resident of district Mandsaur and there is no apprehension of his running away from the court of justice or tempering with the prosecution evidence. The final conclusion of trial will take considerable long time. The applicant is having no criminal background. Hence, he prays that applicant be released on bail.

Per contra, learned GA for respondent/State opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that the seized quantity of contraband is below the commercial quantity, the final conclusion of trial will take considerable long time and applicant is having no criminal background, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/-** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall

abide by the conditions enumerated u/S. 437(3) Cr.P.C.

M.Cr.C.No.13256/2022 is allowed and disposed off.

C.C. as per rules.

(ANIL VERMA)
V. JUDGE

SS/-