

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. 17221 of 2022

Between:-

- JAGJEET SINGH @ JAGGA S/O MAHENDRA SINGH , AGED ABOUT 42**
1. YEARS, OCCUPATION: DRIVER R/O.GRAM MISARADALA, P.S.
SARAH, TEHSIL CHIBALKALA DISTT. AMRITSAR (PUNJAB)
SUBASH CHANDRA S/O JOGINDER PAL , AGED ABOUT 38 YEARS,
2. OCCUPATION: CLEANER, R/O. GRAM JEEVAN NAGAL, P.S.
KOTLISUTMALI TEHSIL DERABANAN, DISTT. GURUDASPUR
(PUNJAB)

.....APPLICANTS

(BY SHRI P.R. BHATNAGAR, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION DALODA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI RANJEET SEN, GOVT. ADVOCATE)

This application coming on for this day, the court passed the following:

ORDER

ApplicantS have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 16.3.2022 in connection with Crime No.101/2022, registered at P.S. Daloda District Mandsaur (M.P.) for commission of offence punishable under Section 8/15, 29, 25 of NDPS Act.

As per the prosecution story, on 16.3.2022, police received discrete information from informant regarding illegal transportation of contraband. Acting upon the said information, police party reached on the spot and intercepted the truck bearing registration No.KA/25/D/7423 and during search 10 Kgs of Poppy straw was recovered from the joint possession of the present applicants and co-accused person, for which they have no legal and valid license to possess the same for its transportation. Accordingly, a case has been registered.

Learned counsel for the applicants submits that applicants are innocent and they have been falsely implicated in the alleged offence. They are in custody since 16.3.2022. Investigation is over and charge sheet has been filed. The seized quantity is found from the joint possession the applicants and co-accused person which is less than the commercial quantity. The applicants are not having any criminal background. Final conclusion of trial will take considerable long time. Hence, he prays that applicants 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 less than the commercial quantity, final conclusion of trial will take considerable long time, I deem it proper to release the applicants on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail upon their furnishing a personal bond in the sum of **Rs.1,00,000/-**

each with one solvent surety each in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required. They shall also abide by the conditions enumerated u/S. 437(3) Cr.P.C.

It is made clear that in case criminal antecedents are found registered against the applicants then the bail granted by this court shall stand cancelled without reference to the court.

C.C. as per rules.

(ANIL VERMA)
V. JUDGE

SS/-