

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. 25010 of 2022****Between:-****MUBARIK S/O MOHAMMAD HUSAIN MANSURI, AGED ABOUT 40 YEARS, OCCUPATION: LABOUR, R/O. VILLAGE AMLAWAD, DISTRICT MANDSAUR (MADHYA PRADESH)****.....APPLICANT*****(BY SHRI HIMANSHU THAKUR, 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**

Applicant has 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 Mandasaur (M.P.) for commission of offence punishable under Section 8/15 and 29 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 possession of co-accused Subhash and Jagjit Singh @ Jagga. For which they have no legal and valid license to possess the same for its transportation. On the basis of memorandum recorded under Section 27 of the Evidence Act, the present applicant has been implicated in the alleged offence. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. He is in custody since 16.3.2022. Investigation is over and charge sheet has been filed. He has been made accused only on the basis of memorandum of co-accused persons, but nothing has been recovered from his possession. It is submitted that the seized quantity of contraband is less than commercial quantity. The applicant is having no criminal antecedents. Final conclusion of trial will take considerable long time. 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 but fairly submits that applicant is having no criminal antecedents registered against him.

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 contraband is less than the commercial quantity, the applicant is having no criminal background, the present applicant is made accused only on the basis of memorandum of co-accused recorded under Section 27 of the Evidence Act, there is no apprehension of the applicant to run away from the court of justice and

final conclusion of trial will take considerable long time, 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.

C.C. as per rules.

(ANIL VERMA)
V. JUDGE

SS/-