

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. 25017 of 2022****Between:-****SATISH S/O RAMGOPAL PATIDAR , AGED ABOUT 33 YEARS,
OCCUPATION: LABOUR, R/O. VILLAGE KACHNARA TEHSIL
SITAMAU, DISTT. MANDSAUR (MADHYA PRADESH)****.....APPLICANT****(BY SHRI HIMANSHU THAKUR, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION NARAYANGARH, (MADHYA PRADESH)****.....RESPONDENT****(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 10.3.2022 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, 25 and 29 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 co-accused

Rajesh @ Pintu on vehicle bearing registration No. M.P./14/CB/0574. The present applicant has been implicated in the alleged offence on the basis of memorandum of co-accused Rajesh, since the present applicant is having ownership of the offending vehicle. 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 10.3.2022. Nothing has been seized from the possession of the present applicant. He has been implicated in the alleged offence only on the basis of ownership of the offending vehicle. Investigation is over and charge sheet has been filed. The applicant is having no criminal background. The applicant is the permanent resident of district Manduar and he shall not run away from the Court of justice. The 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.

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 present applicant has been made accused only on the basis that he is a registered owner of the offending vehicle. No contraband has been seized from his possession. He is having no criminal background. He has been made accused only on the basis of memorandum statement recorded under Section 27 of the Evidence Act of the co-accused. The 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/-