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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA**

ON THE 22nd OF JUNE, 2022

MISC. CRIMINAL CASE No. 26729 of 2022

Between:-

**KISHORE GIRI S/O GHANSHYAM GIRI , AGED
ABOUT 20 YEARS, OCCUPATION: LABOUR, R/O
BS 164, SHIVAJI NAGAR, TEHSIL PALI, DIST.
PALI (RAJASTHAN)**

.....APPLICANT

(BY SHRI S.K.MEENA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
RATANGARH, DISTRICT NEEMUCH (MADHYA
PRADESH)**

.....RESPONDENTS

(BY MS. ARCHNA MAHESHWARI, PANEL LAWYER)

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

ORDER

1. They are heard. Perused the case diary /challan papers.
2. This is the **First** application under Section **439** of Criminal Procedure Code, 1973, as the applicant is implicated in connection with **Crime No.69/2020** registered at **Police Station Ratangarh, District Neemuch (MP)** for offence punishable under **Sections 8/15 of the N.D.P.S. Act**. The applicant is in custody since 09.04.2021.
3. As per the prosecution, the applicant was apprehended on 09.04.2021 while he was transporting 225 Kg. of poppy straw in a Scorpio vehicle bearing

registration No.RJ-20-UA-7951 on the basis of a secret information received by the Police. On the basis of the recovery the applicant has been implicated and arrested for the present offence.

4. Learned counsel for the applicant submits that the applicant has no criminal record relating to N.D.P.S. Act or any major offence under the Indian Penal Code. He is in custody since 09.04.2021. Investigation has been completed, challan has been filed and possibility of trial taking a long time for its conclusion cannot be ruled out. Co-ordinate Bench of this Court granted bail to similarly situated accused persons namely Kamlesh Patidar in M.Cr.C. No.14258/2020 by order dated 12.06.2020 from whose possession 360 kg. Poppy-straw was recovered and in case of Bhup Singh in M.Cr.C. No.58040/2021 by order dated 03.12.2021 from whose possession 340 kg. Poppy-straw was recovered. Hence it is submitted that applicant deserves to be released on bail.

5. The prayer has been opposed by learned counsel for the State but she has fairly stated that applicant does not have any criminal record relating to NDPS Act.

6. I have heard the learned counsel for the parties and have perused the Challan papers.

7. Considering the aforesaid facts and the order passed in case of Kamlesh Patidar (Supra) and Bhup Singh (Supra), without commenting on merits of the case, I deem it proper to enlarge the applicant on bail. Accordingly, the bail application is allowed. The applicant is directed to be enlarged on bail on his furnishing personal bond in the sum of **Rs.2,00,000/- (Rupees Two Lakhs Only)** with **two solvent sureties of Rs.1,00,000/- each out of which one shall be local surety** in the like amount to the satisfaction of the trial Court for his appearance as and when directed.

8. It is also observed that after being released on bail, if the applicant again indulge himself in any criminal activity, the present bail order shall stand cancelled without further reference to the Court and the State/Prosecution shall be entitled to arrest the applicant in the present case also.

9. It is also directed that the applicant will abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Certified copy as per rules.

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**(PRANAY VERMA)
JUDGE**