

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

**BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA
ON THE 22nd OF JUNE, 2022**

MISC. CRIMINAL CASE No. 27608 of 2022

Between:-

**TEJSINGH S/O BHURSINGH , AGED ABOUT 47 YEARS,
OCCUPATION: AGRICULTURIST
R/O: AAKYADEH POLICE STATION PIPLODA,
DISTRICT RATLAM (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI S.K. MEENA ADV.)

AND

CENTRAL NARCOTICS BUREAU NEEMUCH (MADHYA PRADESH)

.....NON APPICANT

(BY SHRI MANOJ SONI ADV.)

MISC. CRIMINAL CASE No. 26525 of 2022

Between:-

**GULAB SINGH @ LALA S/O GHANSHYAM , AGED ABOUT 35 YEARS,
OCCUPATION: AGRICULTURIST
R/O: VILLAGE BARODA, P.S. PIPLODA, DISTRICT RATLAM (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI A.K. SARASWAT ADV.)

AND

**UNION OF INDIA THROUGH CBN NEEMUCH
(MADHYA PRADESH)**

.....NON APPLICANT

(BY SHRI MANOJ SONI ADV.)

These applications coming on for orders this day, the court passed the following:

ORDER

Applicants have filed these first bail applications under Section 439 of the Code of Criminal Procedure, 1973. Applicant-Tejsingh is in jail since 18.4.2022 and applicant Gulab Singh is in jail since 11.5.2022 in connection with Crime No.6/2022 registered at P.S. - CBN, Neemuch (M.P.) for commission of offence punishable under Section 8/18, 25, 29 of NDPS Act.

As per the prosecution story, on 18.4.2022 CBN party was on a routine vehicle check at Nayagaon Toll Plaza. During the said check-up, CBN officials intercepted one Alto Car bearing registration number HR-29-L-9153 and found two persons in the car, who revealed their names as Hardeep Singh and Gurbinder Singh. Thereafter, CBN officials searched and found 1.040 k.g. opium from the joint possession of both the accused persons. After completing the formalities under NDPS Act, CBN officials registered crime against accused persons and recorded the statement of main accused Hardeep and Gurbinder under Section 67 of

the NDPS Act, wherein they disclosed the name of the present applicant. Accordingly a case has been registered against the present applicants.

Learned counsel for both the applicants contended that applicants are innocent and they have been falsely implicated in this matter. Applicant-Tejsingh is in custody since 18.4.2022 and applicant Gulab Singh is in custody since 11.5.2022. The contraband is seized from co-accused Hardeep and Gurpinder and on the basis of their memorandum statement recorded under Section 67 of the NDPS Act both the present applicants have been implicated in this offence, but nothing has been recovered from their possession. Seized quantity of contraband is below than the commercial quantity. Applicants are permanent resident of District Ratlam. Hence, it is prayed that both the applicants be released on bail.

Per contra, learned counsel for the respondent/CBN opposes the bail applications and prays for its rejection by submitting that the present applicants have supplied the contraband to the co-accused persons, hence they do not deserve for bail.

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 applicants have been implicated only on the basis of memorandum statement of co-accused recorded under Section 67 of the NDPS Act, nothing has been recovered from the

possession of present applicants, they have no criminal antecedents and in this matter seized quantity of contraband is below than the commercial quantity, I deem it proper to release the applicants on bail.

Accordingly, without commenting on the merits of the case, both the MCRCs are allowed. It is directed that the **applicants-Tejsingh and Gulab Singh** be released on bail upon their furnishing a personal bond in the sum of **Rs.1,50,000/-** 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 abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Before releasing the applicants from the custody, the Jail Authorities are directed to medically examine them in order to rule out the possibility of Covid-19 infections and shall comply with the directions issued by the Hon'ble Apex Court in W.P.No. 01/2020.

C.C. as per rules.

(Anil Verma)
Judge

Trilok/-