

***IN THE HIGH COURT OF MADHYA PRADESH*****AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 28<sup>th</sup> OF JUNE, 2022****MISC. CRIMINAL CASE No. 27884 of 2022****Between:-****SAMRATHMAL @ PINTU S/O BABULAL , AGED ABOUT 32 YEARS, OCCUPATION: LABOURER VILLAGE SOMYA, TEHSIL MALHARGARH, (MADHYA PRADESH)****.....PETITIONER****(ABHAY SARASWAT, LEARNED COUNSEL FOR THE PETITIONER )****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION AFZALPURA, (MADHYA PRADESH)****.....RESPONDENTS****(PROXY COUNSEL SHRI VIRAJ GODHA PL APPEARING ON BEHALF OF ADVOCATE GENERAL)**

*This application coming on this day for orders 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 18.3.2022 in connection with Crime No. 92/2022 registered at P.S. -

Afzalpur District Mandsaur (M.P.) for commission of offence punishable under Section 8/18, 25 and 29 of NDPS Act.

As per the prosecution story, on 18.3.2022 police received discrete information from the informer. Act upon said information, police party reached on the spot and intercepted the present applicant and other co-accused persons and recovered 1 kg and 300 grams opium from their possession. Accordingly a case has been registered against the applicant and other co-accused persons.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 18.3.2022. The seized quantity of contraband is below than the commercial quantity. The applicant has no criminal antecedent, other co-accused person Shyamabai has been enlarged on bail by this court by order dated 6.6.2022 passed in M.Cr.C. No. 18091/2022. Hence, he prays that applicant be released on bail on the ground of parity.

*Per-contra*, learned PL 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, nature and gravity of allegation as also taking note of the fact that applicant is in custody since 18.3.2022, seized quantity of contraband is below than the commercial quantity, co-accused

Shyamabai has been enlarged on bail 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. 1,500,000/- (Rs. One Lakh Fifty Thousand only)** 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)  
J U D G E

BDJ