

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. 28294 of 2022

Between:-

AASHIQ @ HASIM S/O BABU KHA,
AGED ABOUT 26 YEARS,
OCCUPATION: LABOURER,
R/O WARD NO.4 CHOTAKHARA KUA SARANGPUR,
DISTRICT RAJGARH (MADHYA PRADESH)

.....APPLICANT

(BY SHRI DHARMENDRA YADAV, ADV.)

AND

THE STATE OF MADHYA PRADESH,
THROUGH STATION HOUSE OFFICER,
POLICE STATION TALEN,
DISTRICT RAJGARH (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI VIRAJ GODHA, PL)

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

O R D E R

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. Applicant is in Jail

since 24/02/2022 in connection with Crime No.75/2022 registered at Police Station – Talen, District Rajgarh (M.P.) for commission of offence punishable under Section 8/20 of Narcotics Drugs and Psychotropic Substances Act, 1985.

As per the prosecution story, on 23/02/2022 police received a discrete information from the informant. Act upon the said information, police party reached on the spot and intercepted the present applicant and recovered 15.400 Kilogram *Ganja* from his possession. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in custody since 24/02/2022. The seized quantity of contraband is below than the commercial quantity. Applicant has no past criminal record and he is the permanent resident of Rajgarh district. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for the respondent/State opposes the bail application and prays for its rejection. However, he fairly submits that the applicant has no criminal antecedent.

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 24/02/2022, seized quantity of contraband is below than the commercial quantity, and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting upon 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. 1,50,000/- (Rupees One Lac 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.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

Tej