

**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 22<sup>nd</sup> OF SEPTEMBER, 2022**

**MISC. CRIMINAL CASE No. 43950 of 2022**

**BETWEEN:-**

**AMIT SONI S/O SHRI NANDKISHORE  
SONI, AGED ABOUT 38 YEARS,  
OCCUPATION: LABOUR, R/O 1085,  
SONI GARDEN KE PASS BIJALPUR,  
INDORE (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI PRAVEEN YOGI, LEARNED COUNSEL FOR THE APPLICANT)***

**AND**

**THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION CRIME BRANCH,  
INDORE (MADHYA PRADESH)**

**.....RESPONDENT**

***(SHRI AJAY GUPTA, LEARNED PL APPEARING ON BEHALF OF  
ADVOCATE GENERAL)***

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

**O R D E R**

The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. Applicant is in jail since 22/06/2022 in connection with Crime No.20/2022 registered at Police

Station – Crime Branch, Indore (M.P.) for commission of offence punishable under Section 8/21 and 8/29 of Narcotics Drugs and Psychotropic Substances Act, 1985.

As per the prosecution story, on 27/06/2022 police got a discrete information from the informant regarding illegal transportation of the contraband. Act upon the said information, police party reached on the spot and intercepted motorcycle bearing registration number MP-09-VK-6803 and during the search recovered 30 gram brown sugar from possession the possession of the present applicant. 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 22/06/2022. The seized quantity of contraband is below than the commercial quantity. Co-accused Pinki has been enlarged on bail *vide* order dated 22/07/2022 by the trial Court. Investigation is over and charge sheet has been filed. Applicant is having no criminal background. He is the permanent resident of Indore district and 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 admits that there is no criminal antecedent found against the present applicant.

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 22/06/2022; seized quantity of contraband is below than the commercial quantity, therefore, no bar under Section 37 of the NDPS Act would be attracted in the matter; applicant is having no criminal antecedent; co-accused Pinki has also been enlarged on bail by the trial Court; investigation is over, therefore, no further custodial interrogation of the applicant is required and final conclusion of trial will take considerable long time. In these circumstances, 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*