

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE PRANAY VERMA****ON THE 25th OF NOVEMBER, 2022****MISC. CRIMINAL CASE No. 50163 of 2022****BETWEEN:-**

**MOHANLAL S/O SHRI BHERULAL JI BHOI,
AGED ABOUT 55 YEARS, OCCUPATION:
AGRICULTURIST AHILYAPURA MANASA
DISTRICT NEEMUCH (MADHYA
PRADESH)**

.....APPLICANT

(SHRI ABHISHEK RATHORE, LEARNED COUNSEL FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION MANASA NEEMUCH
(MADHYA PRADESH)**

.....RESPONDENT

(MS. BHARTI LAKKAD, P.L. FOR RESPONDENT/STATE)

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

ORDER

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.404/2022, registered at Police Station Manasa, District Neemuch for offence punishable under Sections 8/18 and 29 of the NDPS Act.
3. As per prosecution, on receipt of a secret information, on 19.8.2022 the police reached Bhatkhedi Naka, Manasa on the road from Gram Pokharda to Mogalpura and apprehended the applicant who was going on a pleasure scooty

bearing registration no. M.P. 44 MC 2851 and recovered 1 Kg 350 gm contraband Afeem from his possession. On the basis of recovery made from the applicant he has been implicated and arrested for the present offence.

4. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the case. The quantity recovered from the applicant though is above the small quantity but is below the commercial quantity. Investigation has been completed and charge sheet has been filed and the applicant is in custody since 19.8.2022 and his further custodial interrogation is no longer required. The trial is likely to take a long time for its conclusion. The applicant is not having any criminal antecedent under the NDPS Act. On such grounds, prayer for grant of bail to the applicant has been made.

5. The aforesaid prayer has been opposed by the learned counsel for the State submitting that in view of the recovery made from the applicant and the fact that he is having two more criminal antecedents under the IPC of the year 1996 and 2008, he is not entitled to be released on bail.

6. I have heard the learned counsel for the parties and have perused the case diary.

7. The quantity recovered from the applicant though is above the small quantity but is below the commercial quantity. Investigation has been completed and charge sheet has been filed and the applicant is in custody since 19.8.2022 and the possibility of the trial taking a long time for its conclusion cannot be ruled out. The applicant is not shown to be having any criminal antecedent under the NDPS Act. Thus in my opinion, the applicant deserves to be enlarged on bail.

8. Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.1,00,000/-**

with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(PRANAY VERMA)
JUDGE

SS/-

