

**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 25<sup>th</sup> OF NOVEMBER, 2022**

**MISC. CRIMINAL CASE No. 54405 of 2022**

**BETWEEN:-**

**ARBAAZ S/O AFSAR KHAN, AGED ABOUT  
22 YEARS, OCCUPATION: LABOR  
VILLAGE KHODI, P.S. ARNOD DISTRICT  
PRATAPGARH (RAJASTHAN)**

**.....APPLICANT**

***(SHRI HIMANSHU THAKUR, LEARNED COUNSEL FOR THE APPLICANT) .***

**AND**

**THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION GANDHI NAGAR  
DISTRICT INDORE (MADHYA PRADESH)**

**.....RESPONDENT**

***(SHRI GAURAV SINGH CHAUHAN, DY. G.A. FOR 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.364/2022, registered at Police Station Gandhi Nagar District Indore, for offence punishable under Section 8/21 of NDPS Act.The applicant is in custody since 23.07.2022.
3. As per the prosecution, on receipt of a secret information on 23.07.2022 in the afternoon near Rijlayephata, Navda Panth Road, District Indore the applicant was apprehended and was found to be in possession of 15 grams

contraband brown sugar which was being transported by him along with co-accused Moshim from whose possession also 35 grams of the said contraband was recovered. 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 the applicant is innocent and has falsely been implicated in the case. The quantity of contraband recovered from the applicant though is above the minimum quantity but is below the commercial quantity. Investigation has been completed and charge sheet has been filed and the applicant has remained in custody since 23.07.2022 and the trial is likely to take a long time for its conclusion. The applicant is not having any criminal antecedents. On such grounds, prayer for grant of bail to the applicant has been made.

5. The aforesaid prayer has been opposed by learned counsel for the respondent/State submitting that in view of the allegations levelled against the applicant, 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 is 15 grams brown sugar which though is above the minimum quantity but is below the commercial quantity. The applicant is not shown to be having any criminal antecedents. Investigation has been completed and charge sheet has been filed and the applicant has remained in custody since 23.07.2022 and the possibility of the trial taking a long time for its conclusion cannot be ruled out. Thus, in my opinion the applicant deserves to be enlarged on bail.

8. Accordingly, the bail application is allowed. The applicant is directed to be enlarged on bail on his furnishing personal bond in the sum of **Rs.1,00,000/-** (Rupees One Lac Only) with two solvent sureties of **Rs.50,000/-**

each out of which one shall be local surety of the like amount to the satisfaction of the trial Court for his appearance as and when directed.

9. It is also directed that the applicant will abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Certified copy as per rules.

**(PRANAY VERMA)**

**JUDGE**

SS/-

