

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 17th OF MARCH, 2023

MISC. CRIMINAL CASE No. 11728 of 2023

BETWEEN:-

PREM PATIDAR S/O LAXMINARAYAN PATIDAR,
AGED ABOUT 42 YEARS, OCCUPATION: BUSINESS
AASHARAM COLONY, MAXI DISTRICT SHAJAPUR
(MADHYA PRADESH)

.....APPLICANT

(BY SHRI AKHIL GODHA,- ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
BERCHHA DISTRICT SHAJAPUR (MADHYA
PRADESH)

.....RESPONDENTS

(BY SHRI ABHISHEK BHARGAVA PL)

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 212/2022 registered at P.S - Berchha, District- Shajapur (M.P.) for commission of offence punishable under Sections 8 / 20 of NDPS Act.

As per prosecution story, on the basis of the information received from the informant, a motorcycle bearing registration no. MP/42/MB/5610 driven by the present applicant has been checked by

the police authority and recovered 08 Kg 700 gm Cannabis (Ganja) from the possession of the present applicant therefore F.I.R has been registered against the present applicant v/s 8/20 of NDPS Act at Police Station Berchha, Shajapur at crime no. 212/202.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. The seized quantity of the contraband is below than the commercial quantity; Investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicant is required.. Applicant is in custody since 15/12/2022. He has no criminal past. He is permanent resident of District- Mandsaur There is no apprehension of his fleeing away from the court of justice. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned PL for respondent – State opposes the bail application and prays for its rejection

Perused the impugned order of the trial Court as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that the seized quantity of the contraband is below than the commercial quantity, therefore, no bar under section 37 of the NDPS Act is attracted in the instant case; the applicant is in custody since 15/12/2022; he has no criminal antecedent; investigation is over therefore, no further custodial interrogation is required and possibility of delay in conclusion of the trial cannot be ruled out, in view of the

evidence available on record, I deem it proper to release the accused / 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 on his furnishing personal bond in the sum of **Rs.1.50.000/- (Rs. 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 all the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. 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.

(ANIL VERMA)
J U D G E

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