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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI
ON THE 25th OF MAY, 2023**

MISC. CRIMINAL CASE No. 20302 of 2023

BETWEEN:-

**JITENDRA S/O ASHOK PANWAR, AGED 38 YEARS,
OCCUPATION: LABOR R/O LODHI MOHALLA KODRIYA
TEHSIL MHOW DISTT. INDORE (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI BHARAT SINGH THAKUR, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION DHAMNOD DISTRICT DHAR (MADHYA
PRADESH)**

.....RESPONDENT/STATE

(BY SHRI VINOD THAKUR, GOVT. ADVOCATE)

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

ORDER

- Case diary is perused.
2. Learned counsel for the rival parties are heard.
3. The **applicant - Jitendra** has filed this first application u/S. 439 of Cr.P.C. for grant of bail.
4. The applicant has been arrested on 28.02.2023 by Police Station - Dhamnod, District - Dhar (M.P.) in connection with Crime No.171/2023 registered in relation to the offence punishable under Section 8/20 of The Narcotics Drugs and Psychotropic Substances Act, 1985(in short ..."The NDPS Act").

5. The allegation against the applicant and other co-accused person is that on secret information, the police intercepted one Maruti Car and 2 kg 300 grams Ganja has been recovered from the said vehicle, which the present applicant was driving. On the basis of aforesaid, crime has been registered.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He is aged about 38 years. He is in custody since 28.02.2023. Charge sheet has been filed, therefore, no further custodial interrogation is required in the matter. It is also submitted that the contraband seized from possession of the applicant is less than the commercial quantity. The co-accused, who was found in joint possession of the contraband has already been enlarged on bail by the Court vide order dated 03.05.2023 in MCRC No.18787/2023. The applicant has no criminal record. Trial will take time. The applicant is permanent resident of District Indore (M.P.) and there is no likelihood of his absconsion or tampering with the prosecution evidence and he is ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made out.

7. Counsel for the State opposes the prayer for grant of bail and submits that the seized quantity of the contraband is more than the small quantity, however, he submits that there is not criminal record of the applicant.

8. However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

9. Considering the overall facts and circumstances of the case coupled with the fact that the trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to extend the benefit of bail to the applicant.

10. Accordingly, without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the **applicant - Jitendra** be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court/committal Court for his appearance on the dates given by the concerned Court.

11. This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;

2. The applicant will cooperate in the investigation/trial, as the case may be;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4 . The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically, without further reference to the Bench;

5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

12. A copy of this order be sent to the trial court concerned for compliance.

Certified copy as per rules.

(S. A. DHARMADHIKARI)
V. JUDGE

Shruti

