

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

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 4533 of 2023

BETWEEN:-

SATPALSINGH S/O PRITAMSINGH, AGED ABOUT
65 YEARS, OCCUPATION: LABOR R/O VILLAGE
1. BAKRAHA TEHSIL PATRAN DISTT PATIYALA
(PUNJAB)

GURUVINDARSINGH S/O SATPALSINGH, AGED
2. ABOUT 30 YEARS, OCCUPATION: LABOUR
VILLAGE BAKRAHA, TEHSIL PATRAN DISTRICT
PATIYALA, PUNJAB (PUNJAB)

.....APPLICANT

(BY SHRI NILESH DAVE - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
JEERAN DISTT. NEEMUCH (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI SUDHANSHU VYAS PL)

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

ORDER

Applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 05/2023 registered at P.S - Jeeran, District- Neemuch (M.P.) for commission of offence punishable under Sections 8/15, 29 of NDPS Act.

As per prosecution story, on 07/01/2023,, on the basis of secret information received from the informer, the police reached the spot and

intercepted the vehicle Truck bearing registration No. PB-11-CX- 4799 and recovered 34 Kg Poppy Straw from joint possession of both applicants and arrested both the applicants.

Learned counsel for the applicants contended that applicants are innocent and have been falsely implicated in this offence. There is no legal evidence available on record to connect the applicants with the aforementioned offence. The seized quantity of the contraband is below than the commercial quantity. Applicant no. 1 is 65 years old person. Applicants are in custody since 07/01/2023. They are labour class persons and permanent resident of District- Patiyala (Punjab). 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 by submitting that no criminal antecedents have been found against the applicants; investigation is still continued, therefore, they do not deserve for bail.

Perused the impugned order of the trial Court, the statements of the witnesses as well as the case diary.

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; they are not having any criminal antecedents; investigation is almost over, therefore, no further custodial interrogation of the applicants 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 / applicants on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail on their furnishing personal bond in the sum of **Rs. 1,50,000/- (Rs. Seventy Five Thousand only)** each with two solvent surety each (**out of which, one local surety**) in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required.

They shall abide by all the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicants are 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 applicants 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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