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

**BEFORE  
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

**ON THE 21<sup>st</sup> OF FEBRUARY, 2024**

**MISC. CRIMINAL CASE No. 47008 of 2023**

**BETWEEN:-**

**MANGILAL S/O NARNARAM VISHNOI, AGED ABOUT 30  
YEARS, OCCUPATION: DRIVER R/O VILLAGE PUNASA  
PS BHINMALL DISTT. JALOR (RAJASTHAN)**

**.....APPLICANT**

**(SHRI ABHAY K. SARASWAT, ADVOCATE)**

**AND**

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

**.....NON-APPLICANT/STATE**

**(SHRI VIRAJ GODHA, PANEL LAWYER)**

*This application coming on for order this day, the Court passed the  
following:*

**ORDER**

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.126/2023 dated:- not mentioned, registered at Police Station - Jawad, District - Neemuch (M.P.) for commission of offence punishable under Sections 8/15, 25 and 29 of the NDPS Act.

2. Prosecution story, in brief, is that on 27.03.2023, applicant/accused Mangilal was found having and transporting 54 kgs. of Poppy Straw in a car bearing registration No.RJ27-CA-9047, without having any license or authority

and co-accused Vinod Kumar was piloting the aforesaid car with a motorcycle bearing registration No.RJ27-SL-2125. After seeing the police, co-accused fled away from the place of incident and left his motorcycle at the spot. The police had seized the aforesaid contraband and car from the possession of the applicant. During investigation, it was found that applicant created forged number plate of the car and used the same in the incident.

3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and has falsely been implicated in the case. Applicant has no criminal past and he is in custody since 27.03.2023. After completion of investigation, charge-sheet has been filed. The seized contraband is slightly more than 50 kgs. of commercial quantity. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

5. On the other hand, learned counsel for the non-applicant/State has opposed the prayer and submits that the seized contraband comes under commercial quantity therefore, applicant is not entitled for bail.

5. Having considered the rival submissions and after perusal of the case diary so also considering other facts and circumstances of the case, this Court is of the view that it is not a fit case to grant bail to the applicant. Resultantly, this application for bail is **dismissed**.

(PRAKASH CHANDRA GUPTA)  
JUDGE