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

**BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

ON THE 6th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 53353 of 2023

BETWEEN:-

**VISHAL S/O MANSINGH JI GURJAR, AGED ABOUT 22
YEARS, OCCUPATION: AGRICULTURE R/O LASUDIYA
ANTRI MANASA DISTT. NEEMUCH (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI ABHISHEK RATHORE, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION MANASA DIST.
NEEMUCH (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AJAY RAJ GUPTA, GOVT. ADVOCATE)

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

ORDER

They are heard and perused the case diary/challan.

This is the third application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.187/2021 dated (not mentioned) registered at Police Station - Manasa, District-Neemuch (M.P.) for commission of offence punishable under Sections 8/15, 25, 29 of the NDPS Act, under Sections 307, 353, 332, 201 of the IPC and under Sections 132/177 of Motor Vehicle Act. The applicant is in custody since 22.10.2022.

Applicant' s first bail application-MCRC No.19338/2023 has been

dismissed by this Court on 08.5.2023 with liberty to renew the prayer after the injured witness is examined in the trial court. Thereafter his second bail application -M.Cr.C.No. No.21635/2023 was also dismissed on 03.7.2023 after arguing for some time.

Counsel for the applicant has submitted that subsequently the injured witness has also been examined in the trial court and there are material omissions and contradictions in his statement and admittedly, he has not been identified the applicant on the scene of the crime.

Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that the applicant had tried to run over the injured witness Anil Dhangar, Police Constable, who had suffered injuries in the incident as the applicant was driving his vehicle-Ascent Car bearing registration No.M.P. 20 C.E.1501. Subsequently from which, commercial quantity of contraband has also been seized, which belongs to the present applicant only.

Having considered the rival submissions, perusal of the case diary and considering the seriousness of the offence and the fact that the Car in which, the contraband was being transported belongs to the present applicant only and there is no explanation regarding the presence of his Car on the spot, this Court is not inclined to allow the bail application. Accordingly, the repeat M.Cr.C. being devoid of merit is hereby dismissed.

(SUBODH ABHYANKAR)
JUDGE