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

**BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 26th OF APRIL, 2024**

MISC. CRIMINAL CASE No. 15424 of 2024

BETWEEN:-

**RAJENDRA KUMAR S/O SHRI JEETMAL GAADRI, AGED
ABOUT 27 YEARS, OCCUPATION: LABOUR, R/O. GRAM
DEVLIYA KALA, TEHAIL- BHADESAR, DISTT.
CHHITORGARH (RAJASTHAN) (RAJASTHAN)**

.....APPLICANT

(BY SHRI VIKAS JAIN - ADVOCATE)

AND

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

.....RESPONDENTS

(BY SHRI ANENDRA SINGH PARIHAR - ADVOCATE)

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

ORDER

1. Heard. Perused the case diary/challan papers.
2. This is the first bail application under Section 439 of the Cr.P.C for grant of bail. The applicant is being implicated in Crime No.262/2021, registered at police station Jawad, District Neemuch for commission of offence punishable under Section 8/15 and 25 of the NDPS Act.
3. As per the prosecution, on 9/6/2021 on receipt of a secret information the police party reached Javi Sarvaniya Maharaj Aam Road and recovered total 1 quintal 35 Kgs of contraband poppy straw from an Alto car bearing

registration No.R.J. 27 C.J. 2722 which was lying in an unattended condition. Thereafter the investigation was commenced during the course of which the said vehicle was found to be registered in the name of the applicant on the basis of which he has been implicated and arrested for the present offence.

4. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the case. Though he is the registered owner of the aforesaid vehicle from which the contraband has been seized but he had already sold the same to one Udayram S/o. Choga by way of an agreement dated 12/4/2021. Since he was not the owner of the vehicle he could not have been implicated in the present matter. It is further submitted that the applicant is not having any criminal antecedents and the investigation has been completed and charge sheet has been filed hence further custodial interrogation of the applicant is no longer required. The trial shall take time for its conclusion. On such grounds, prayer for grant of bail to the applicant has been made.

5. The aforesaid prayer has been opposed by learned counsel for the respondent/State submitting that in view of the allegations levelled against the applicant, he is not entitled to be released on bail.

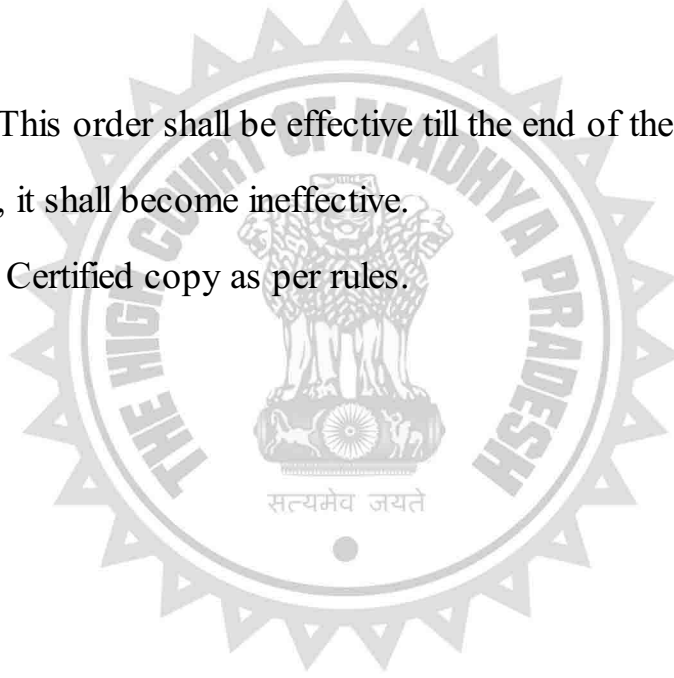
6. By order dated 18/4/2024 learned counsel for respondent was directed to ascertain the genuineness of the agreement to sale dated 12/4/2021 (Annexure P/2). A report dated 30/4/2024 of police station Jawad, District Neemuch has been produced in which the said agreement to sale has been found to be genuine. Thus prima facie on the date of recovery the vehicle in question had already been sold by the applicant. Investigation has been completed and charge sheet has been filed hence further custodial interrogation of the applicant is no longer required. He is in custody since 2/8/2023 and is not shown to be having any criminal antecedents. Thus in my opinion, the applicant deserves to

be enlarged on bail.

7. Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.2,00,000/-** with two solvent sureties of **Rs.1,00,000/-** each out of which one shall be local surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

8. 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.



(PRANAY VERMA)
JUDGE

SS/-