



1

MCRC-37793-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 28th OF JULY, 2025

MISC. CRIMINAL CASE No. 37793 of 2024

IMRAN KHAN @ IMRAN MOTA

Versus

NARCOTIC CONTROL BEURO

.....
Appearance:

Shri Mahendra Kumar Sharma - Advocate for the applicant.

Shri Manoj Kumar Soni - Advocate for the respondent/NCB.
.....

ORDER

1] They are heard and perused the case diary.

2] This is the applicant's second bail application filed under Section 483 of *Bharatiya Nagarik Suraksha Sanhita, 2023*/ Section 439 of Cr.P.C. as he is implicated in connection with Crime No.9/2021 registered at Police Station Narcotics Control Bureau, Central Unit, Indore (MP) for offence punishable under Sections 8/20, 25 & 27A of N.D.P.S. Act. The applicant is in custody since 27.12.2022. His first bail application M.Cr.C. No.13522 of 2023 was dismissed by this Court on 24.08.2023 as withdrawn.

3] The allegation against the applicant is that he was also involved in the aforesaid case, wherein on 15.08.2021, 1376.07 kg cannabis (Ganja), the commercial quantity of which is 20 kg, was found in possession of co-accused Sheru Khan and Mehboob Ali. During investigation, it was found that the aforesaid contraband was being transported at the instance of co-



accused Sadik Khan, although the said allegation was initially made against the present applicant in the disclosure memo of the other accused persons.

4] Counsel for the applicant has submitted that the present application has been filed only on the ground of period of incarceration as the applicant is lodged in jail since 27.12.2022, which is more than two and half years, and the conclusion of trial is likely to take sufficient long time. Thus, it is prayed that the application be allowed.

5] Shri Manoj Kumar Soni, counsel for the respondent/NCB has opposed the prayer, and it is submitted no case for interference is made out, as all the accused persons were in constant touch through their mobile phones, and in his memo under Section 67 of the N.D.P.S. Act, the applicant has also admitted his guilt and has informed that he instructed to the co-accused to collect the said contraband from one Bhau and Vijay Kishan Mohite.

6] Heard. Having considered the rival submissions and on perusal of the case-diary, it is found that the case-diary include a bulky record, including the CDRs running into hundred of pages, but, admittedly, the contraband has not been seized from the possession of the applicant, and in such circumstances, when he is lodged in jail since last more than two and half years, as he was arrested on 27.12.2022, and as per the status report obtained from the trial Court, supplementary charge-sheet has been filed against the applicant, and only two witnesses have been examined until now, and 8 more witnesses are still to be examined, and due to non production of the witnesses by the prosecution, the trial is delayed. In such circumstances,



looking to the period of incarceration, this Court is inclined to allow the present application.

7] Accordingly, without commenting on the merits of the case, the application filed by the applicant is hereby **allowed**. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she 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] Accordingly, the application is **allowed** and **disposed of**.

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE

Pankaj