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MCRC-43120-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 14<sup>th</sup> OF OCTOBER, 2024MISC. CRIMINAL CASE No. 43120 of 2024*MAHA VEER**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Satish Jain - Advocate for the applicant.

Shri Viraj Godha - Pl for the respondent/State.

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ORDER

Heard with the aid of case diary.

This is first bail application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.58/2024 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 NDPS Act.

2. Prosecution story, in brief is that on 10.02.2024, after receiving a secret information, the Police proceeded towards place of the incident and it was found that the co-accused Dinesh was transporting 360 kg of Poppy Straw in a Bolero Pick Up bearing registration No.MP-44-ZC-2705 without having any valid license or authority. The police had seized the aforesaid contraband and vehicle from possession of the applicant. During investigation, it was revealed that the present applicant had provided the aforesaid contraband and vehicle to the co-accused Dinesh.

3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and he has falsely been implicated in the case only on



the basis of memorandum statement given by co-accused Dinesh. Two memorandum statements of co-accused have been recorded by the Police, which are contradictory name of the present applicant and it is not mentioned in Punchnama. Therefore, involvement of the present applicant in the crime is doubtful. No contraband was seized from possession of the present applicant and no contraband was transported in knowledge of the applicant. Applicant has no criminal past and is in custody since 20.06.2024. After completion of investigation, charge-sheet has been filed. Conclusion of trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayer and submits that applicant is a registered owner of the aforesaid vehicle and he had provided the vehicle and contraband to the co-accused. Hence, involvement of the applicant in the crime is prima facie established. The case is related to huge quantity of contraband. Therefore, as provided under Section 27 of NDPS Act, the applicant is not entitled for bail.

5. Having considered the submissions advanced from counsel for the parties, also perused the case diary and looking to the huge quantity of the contraband, which is involved in this case, therefore considering bar as provided under Section 37 of NDPS Act, this Court is of the view that it is not a fit case to grant bail to the applicant. Resultantly, M.Cr.C. is **rejected**.

(PRAKASH CHANDRA GUPTA)  
JUDGE

