



1 MCRC-13405-2025
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 10th OF JULY, 2025

MISC. CRIMINAL CASE No. 13405 of 2025

OSAAM

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Gourav Shrivastava - Advocate for the applicant.

Shri Virendra Khadav - G.A. appearing on behalf of Advocate General.
.....

ORDER

1] They are heard. Perused the case-diary.

2] This is the first application filed by the applicant under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023/Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.136/2024 registered at Police Station Jaora, District Ratlam for the offence punishable under Sections 8/22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1885.

3] The allegation against the applicant is that he was also involved in the aforesaid case, wherein 65 gram MD drug (commercial quantity of which is 50 grams) has been seized from the joint possession of 4 accused persons Nitin, Nadeem, Umar and Shakir, who in their discloser memo have stated that the aforesaid contraband was purchased by them from the present applicant and other accused persons.

4] Counsel for the applicant has submitted that apart from the discloser memo prepared under Section 23 of BSA, there is no other material available on record to connect the applicant with the offence and there is no criminal antecedents against the applicant. Thus, it is submitted that the custodial interrogation of the applicant is not necessary.

5] Counsel for the respondent/State has opposed the prayer and it is submitted that



no case for grant of anticipatory bail is made out, however, it is not denied that no other material is available on record to connect the applicant except discloser memo.

6] Having considered the rival submissions and on perusal of the case diary, taking note of the fact that there is no other material available on record to connect the applicant with the offence except the memo prepared under Section 23 of Bhartiya Sakshya Adhiniyam (27 of the Evidence Act), and there are no criminal antecedents against the applicant, this Court is inclined allow the present application.

7] Accordingly, without commenting anything on the merits of the case, the application is allowed. It is directed that in the event of arrest, applicant shall be released on bail, upon his executing a personal bond in the sum of Rs.25,000/- (rupees twenty five thousand only) and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer). The applicant shall make himself available for interrogation by a Police Officer, as and when required. He shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

8] However, it is also directed that subsequently, if it is found by the prosecution that other material is also available against the applicant to connect him with the offence, they can apply for cancellation of bail of the applicant.

9] Accordingly, MCRC stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE