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MCRC-30376-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 29th OF JULY, 2025

MISC. CRIMINAL CASE No. 30376 of 2025

SHERKHAN

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Sachin Parmar - Advocate for the applicant.

Shri Tarun Pagare - G.A. for respondent/State.
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ORDER

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

2] This is the second 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.95/2022 registered at Police Station Kotwali, District Mandsaur for the offence punishable under Sections 8/22 and 29 of N.D.P.S. Act. His first anticipatory bail application M.Cr.C. No.7683 of 2023 was dismissed by this Court on 31.03.2023 as withdrawn.

3] The allegation against the applicant is that he was also involved in the aforesaid, wherein 500 grams of MDMA powder, the commercial quantity of which is 10 gram, has been seized from the possession of co-accused Shahnawaz.

4] Counsel for the applicant has submitted that the applicant has been falsely implicated in the case only on the basis of memo prepared under



Section 27 of the Evidence Act given by co-accused Shahnawaz. It is also submitted that apprehending his false implication, applicant had also made a complaint to the Police Station Arnod, District Pratapgarh, Rajasthan regarding his false implication by co-accused Shahnawaz from whose possession the aforesaid contraband has been seized. Thus, it is submitted that there is no material available on record to connect the applicant with the offence, except the aforesaid memo. Thus, it is submitted that the applicant's custodial interrogation would not be necessary.

5] Counsel for the State, on the other hand, has opposed the prayer.

6] Having considered the rival submissions, perusal of the case-diary as also the bail application of the applicant, it is found that the counsel for the applicant has not stated as to what is the change in circumstances, and apart from that, it is also apparent that the applicant is avoiding his arrest since 2022, and despite withdrawing his earlier bail application on 31.03.2023, he has again filed this application in the year 2025. In such circumstances, this Court is of the considered opinion that looking to the commercial quantity seized and the conduct of the applicant, no case for grant of bail is made out.

7] Accordingly, the application being devoid of merits, is hereby *dismissed*.

(SUBODH ABHYANKAR)
JUDGE