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MCRC-8338-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 21st OF FEBRUARY, 2025MISC. CRIMINAL CASE No. 8338 of 2025*KALULAL@KARULAL**Versus**UNION OF INDIA THROUGH CENTRAL BUREAU OF NARCOTICS
RATLAM*

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Appearance:

Shri Vikas Jain - advocate for the applicant.

Shri Manoj Kumar Soni, learned counsel for the respondent .

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ORDER

1. This is third bail application under Section 483 of BNSS read with Section 439 Cr.P.C. by applicant who has been arrested by Police on 3.3.2023 in Crime No.1/2023, Police Station - CBN, Ratlam concerning offence under Section 8/15, 8/18(c) and 8/19 of the NDPS Act, 1985.

2. The first application bearing M.Cr.C.No.29262/2024 was dismissed as withdrawn by order dated 9/8/204 and second application bearing M.Cr.C.No.45384/2024 was also dismissed as withdrawn by order dated 18/11/2024.

3. As per the prosecution on 2/3/2023 on the basis of a secret information the team of narcotic bureau reached the Panched Palsoda Marg Tehsil and District Ratlam and found the applicant in possession of 5.200 Kgs of opium along with the utensil pot. Thereafter from his farm 3.560 Kgs of lanced poppy capsules, 1.040 Kgs of unlanced poppy capsules and 26.830



Kgs of poppy straw was recovered. On the basis of the recovery the applicant has been implicated and arrested for the present offence.

4. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the case. Investigation has been completed and charge sheet has been filed and he has remained in custody since 3/3/2023. Both the seizure witnesses have been examined before the trial Court and both of them have not supported the prosecution case in any manner and have been declared hostile. The applicant is aged about 80 years and the trial is likely to take time for its conclusion. It is also submitted that the contraband recovered from the applicant was a licensed product and was not held by the applicant illegally. On such grounds, a prayer for grant of bail to the applicant has been made.

5. The aforesaid prayer has been opposed by the learned counsel for the respondent submitting that huge quantity of contraband has been recovered from the applicant which include opium as well as poppy straw. His earlier applications have been dismissed as withdrawn after being argued at length hence there is no change in circumstances warranting grant of bail to him in view of which the application deserves to be dismissed.

6. I have heard the learned counsel for the parties and have perused the case diary as well as the record.

7. The applicant appears to be aged about 80 years and is in custody since 3.3.2023, ie. for a period of almost 3 years. Investigation has been completed and charge sheet has been filed hence further custodial interrogation of the applicant is no longer required. From the proceedings it



appears that trial shall still take time for its conclusion. Both the seizure witnesses have been examined before the trial Court and both of them have not supported the prosecution case and have been declared hostile. Thus in my opinion, the applicant deserves to be enlarged on bail.

8. 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/- (Rupees Two lacs) with one solvent surety of the like amount to the satisfaction of the trial court for his regular appearance before this 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.

9. 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/-