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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 22nd OF JANUARY, 2024
MISC. CRIMINAL CASE No. 1671 of 2024**

BETWEEN:-

**BHOLARAM YADAV S/O SHRI RAJVEER YADAV, AGED
ABOUT 27 YEARS, R/O VILLAGE BADAGAON MURAR
DISTRICT GWALIOR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAVI DWIVEDI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION MURAR, DISTRICT GWALIOR (MADHYA
PRADESH)**

.....RESPONDENT

(BY MS. KALPNA PARMAR - PANEL LAWYER)

*This application coming on for admission this day, the court passed the
following:*

ORDER

This is **second** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 860 of 2023 registered at Police Station - Murar, District Gwalior (M.P.) for the offence under Sections 8/21 of NDPS Act. First application was dismissed as withdrawn vide order dated 29.12.2023 passed in M.CRC No.54725/2023.

Allegation against the present applicant is that 20 grams of smack has been seized from the possession of present applicant.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. It is further argued that the mandatory

provisions of NDPS Act have not been followed while seizing the contraband. Further argument is that the applicant is in custody since 25.10.2023. Trial is likely to take long time to conclude. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rupees One Lakh Only)** with one solvent surety in the like amount to the satisfaction of the trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) **The applicant will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.**
- 5) The applicant will not seek unnecessary adjournments

during the trial; and

6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

vpn



(SUNITA YADAV)
JUDGE