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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 25th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 2342 of 2024

BETWEEN:-

**RAJKUMAR NAMDEV S/O SHRI DALCHAND NAMDEV,
AGED ABOUT 39 YEARS, OCCUPATION: LABOUR
SHOBHA NAGAR, THANA KOTWALI, SHIVPURI M.P.
HAL NIWASI PANTSHEET NAGAR, RAMAKANT SAGAR
KA MAKAN THANA GOLE KA MANDIR DISTRICT
GWALIOR M.P. (MADHYA PRADESH)**

.....APPLICANT

(BY MR. KUSH SHIVHARE - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION SUBHASHPURA,
DISTRICT SHIVPURI (MADHYA PRADESH)**

.....RESPONDENT

(BY MR. ROHIT MISHRA - A.A.G.)

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

ORDER

This is **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 206 of 2023 registered at Police Station Subhaspura, District Shivpuri (M.P.) for the offence under Section 8/21 of NDPS Act.

Allegation against the present applicant is that 10 grams of smack has been seized from joint of present applicant and two co-accused persons.

Learned counsel for the applicant argued that the applicant is innocent

and has been falsely implicated. It is further argued that the said contraband has not been seized from personal custody of the applicant. Mandatory provisions of NDPS Act have not been followed while seizing the contraband. Further argument is that the applicant is in custody since 29.11.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Trial is likely to take long time to conclude. Co-accused Vijay Adiwasi has already been granted bail by this Court by order dated 08.1.2024 passed in MCRC No. 58162 of 2023 and case of the present applicant is in parity with co-accused Vijay. 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.

(SUNITA YADAV)
JUDGE

AKS