IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3007 of 2024

BETWEEN:-

BAHADUR SINGH S/O GOPILAL, AGED ABOUT 28 YEARS, OCCUPATION: AGRICULTURIST VILLAGE KISHANPURA, SINGOLI, NEEMUCH (MADHYA PRADESH)

.....APPLICANT

(SHRI ABHISHEK RATHORE, LEARNED COUNSEL FOR THE PETITIONER

.

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION SINGOLI DISTT. NEEMUCH (MADHYA PRADESH)

.....RESPONDENTS

(SHRI AJAY RAJ GUPTA APPEARING ON BEHALF OF ADVOCATE GENERAL.

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

ORDER

This is SECOND application has been filed on behalf of the applicant for grant of bail under Section 439 of Criminal Procedure Code, 1973, as he is arrested in relating to FIR No.201/2022 dated (not mentioned) registered at Police Station Singoli, District Neemuch (MP) for offence punishable under Sections 8/15 and 25 of NDPS Act. The applicant is in custody since 28.11.2022. Earlier, first bail application was dismissed as withdrawn.

2. As per the prosecution story, it is alleged that 102 KG of poppy straw

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was recovered from possession of the applicant and co-accused.

3. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case. It is submitted that the contraband was licensee because the license has been issued in the name of father of the applicant and the same was recovered within the radius of house and their agriculture filed when the same was being transported to house from the agriculture filed. The applicant is in jail since 28.11.2022. The conclusion of trial will take sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicant.

4. On the other hand, learned Govt. Advocate for the State has opposed the prayer and prayed for its rejection. It is submitted that non-commercial quantity is involved in the matter, hence, he is not entitled for bail.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case so also looking to the custody period and that the father of the applicant is licensee for produce of contraband, I am of the view that it is a case, in which applicant may be released on bail. Consequently, without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions

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enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

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