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. 3305 of 2024

BETWEEN:-

PHAKA S/O DALLAJI VASUNIA
OCCUPATION: AGRICULTURE
R/O GRAM KHEDA BORDA
DISTT. DHAR (MADHYA PRADESH)

.....APPLICANT

(SHRI GURUMEET SINGH DANG - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION BADNAWAR, DISTRICT DHAR
(MADHYA PRADESH)

.....RESPONDENTS

(SHRI SURENDRA GUPTA - GOVT. ADVOCATE)

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

ORDER

They are heard and perused the case diary.

This is the First bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.722/2023, registered at P.S.-Badnawar, District- Dhar (M.P.) for the offence punishable under Section 8/20 of NDPS Act. He is in detention since 28.10.2023.

(2) As per prosecution story, 130 green wet Ganja plants weighing about 151.700 kgs has been recovered from the field of the applicant.

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Signed by: SUMATHI
Signing time: 03-02-2024 16:17:29

(3) Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case. He placed his reliance upon the orders passed by Co-ordinate Bench of this Court in MCRC No. 4553/2023, passed vide order dated 02.02.2023 and MCRC No. 682/2023, passed vide order dated 03.02.2023. The applicant is in jail since 28.10.2023. Trial of the case will take considerable time. Under these circumstances, he prays for grant of bail to the applicant.

(4) Counsel for State has opposed the prayer and prayed for its rejection.

(5) After hearing learned counsel for the parties and looking to the facts and circumstances of the case, I am of the view that it is a case in which applicant may be released on bail. Consequently, without commenting anything on the merits of the case, this first bail application u/s. 439 of Cr.P.C. filed on behalf of the applicant is 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 enumerated under Section 437(3) of Cr.P.C.

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

Certified copy as per rules.

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Signed by: SUMATHI
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(PREM NARAYAN SINGH)
JUDGE

sumathi

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