IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4216 of 2024

BETWEEN:-

BHERULAL S/O KACHRULAL, AGED ABOUT 43 YEARS, OCCUPATION: AGRICULTURE R/O BABRECHA DISTT. MANDSAUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI VIKAS JAIN - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION RINGNOD DISTT. RATLAM (MADHYA PRADESH)

.....RESPONDENT/STATE

(BY SHRI RAHUL SOLANKI - GOVT. ADVOCATE)

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

ORDER

Heard with the aid of case diary.

This is first application filed under Section 438 of Cr.P.C seeking anticipatory bail, as the applicant/accused is apprehending his arrest in connection with FIR/Crime No.431/2023 dated (not mentioned) registered at Police Station - Ringnod, District Ratlam M.P.) for the offence punishable under Sections 8/15 and 29 of the NDPS Act.

2. Prosecution case in brief is that on 23.11.2023, co-accused was found having and transporting 99.446 kg of Poppy Straw in a Car bearing registration No.DL-2C-AU-7051, without having any license or authority. The police had

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seized the aforesaid contraband and vehicle from the possession of co-accused person. During investigation, it was found that applicant and co-accused persons are also involved in the case.

3 . Learned counsel for the applicant submits that applicant has not committed the offence and he has falsely been implicated in the case only on the basis of memorandum statement given by co-accused person Vinod. No contraband has been seized from the possession of the applicant. There is no legal evidence available against the applicant. Applicant has no criminal past likewise this offence. Applicant is a reputed person and if the police arrests him, his reputation will be tarnished therefore, prayer is made for grant of anticipatory bail to the applicant.

4. Learned counsel for the State has opposed the prayer and prayed for its rejection.

5 . Having considered the rival submissions and after perusal of case diary so also considering other facts and circumstances of the case, this Court is of the view that applicant deserves to the enlarged on anticipatory bail hence, without commenting on the merits of the case, the application is **allowed.**

6. It is directed that in the event of arrest, applicant - **BHERULAL** shall be released on bail upon his furnishing 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 Arresting Officer for his appearance before the Trial Court on all dates and for complying with the conditions enumerated in sub-section (2) of Section 438 of the Code of Criminal Procedure.

6. M.Cr.C. stands disposed of, accordingly.

Certified copy, as per Rules.

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(PRAKASH CHANDRA GUPTA)
JUDGE

Shruti

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