IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4607 of 2024

BETWEEN:-

BAJRANGLAL S/O RAMNARAYAN DANGI, AGED ABOUT 34 YEARS, OCCUPATION: LABOUR, R/O: PATEL MOHALLA KHAIRANA P.S. PIDAWA, DIST. JHALAWAR (RAJASTHAN)

.....APPLICANT

(MR. ANKUR PASTOR - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH P.S. SHAMGARH, DIST. MANDSAUR (MADHYA PRADESH)

.....RESPONDENT

(MS. VARSHA SINGH THAKUR - GOVERNMENT ADVOCATE)

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

ORDER

Applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail relating to Crime No.33/2023 registered at P.S. Shamgarh, District Mandsaur (M.P.) for commission of offence punishable under Sections 8/15, 25 and 29 of NDPS Act. He is in jail since 21.01.2023.

2. As per the prosecution story, on 21.10.2023, during routine checking of vehicles, police party intercepted a Car bearing Registration No.RJ-20-CE-8247 driven by present applicant and stopped the said vehicle. During search 75

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Signing time: 03-02-2024 11:50:01

kg poppy straw has been recovered from possession of present applicant. Accordingly, case has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is innocent person and he has been falsely implicated in this matter. Applicant is in jail since 21.01.2023, meaning thereby, he is suffering jail incarceration for about one year. Two prosecution witnesses have been examined before the trial Court and both of them have turned hostile and have not supported the case of prosecution. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

4. Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection.

5. Perused the case diary as well as the impugned order of the court below.

6. Considering all the facts and circumstances of the case, nature and gravity of allegation as also taking note of the fact that seized quantity of contraband is more than the commercial quantity, therefore, specific bar under Section 37 of NDPS Act is attracted in the instant case; two prosecution witnesses of seizure and other proceedings have been examined, but investigating officer yet to be examined.

7. In view of the aforesaid, this Court is not inclined to grant bail to the present applicant.

8. Accordingly, the present bail application filed under section 439 of Cr.P.C is hereby **dismissed**.

Certified copy as per rules.

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(ANIL VERMA)
JUDGE

Anushree

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