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. 5533 of 2024

BETWEEN:-

PRABHULAL RATHORE S/O DHULAJI RATHORE, AGED 56 YEARS, OCCUPATION: AGRICULTURIST R/O WARD NO. 7 VILLAGE PIPLIYA SISODIYA, DISTRICT RATLAM (MADHYA PRADESH)

.....APPLICANT

(BY SHRI HIMANSHU THAKUR - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION ALOT, DISTRICT 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. for grant of anticipatory bail to the applicant/accused, relating to FIR/Crime No.510/2023 dated (not mentioned) registered at Police Station Alot, District Ratlam (M.P.) for commission of offence punishable under Sections 8/15 and 8/18 of the NDPS Act.

2. Prosecution story in brief is that on 30.07.2023, co-accused Gopal Singh and Kishor Patidar were found transporting 60.600 kgs of Poppy Straw

Signature Not Verified
Signed by: SHRUTI JHA
Signing time: 05-02-2024 18:06:48

and 550 grms of Opium in a Swift Dzire car bearing registration No.MP09-WB-1601, without having any license or authority. During investigation, applicant was implicated in the case.

3. Learned counsel for the applicant submits that the applicant/accused has not committed the offence and he has falsely been implicated in the case only on the basis of memorandum statement of co-accused person Devilal. No contraband was seized from the possession of present applicant. There is no legal evidence against him. He is a reputed person. Police is trying to arrest him and if the police arrests him, his reputation will be spoiled therefore, it is prayed that the applicant be granted anticipatory bail.

4. On the other hand, learned counsel for the State has opposed the prayer and prayed for its rejection.

5. Having considered the rival submissions and also looking to the aforesaid 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 - **Prabhulal Rathore** shall be released on bail upon his furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One lac only) alongwith 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.

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

Certified copy, as per Rules.

Signature Not Verified
Signed by: SHRUTI JHA
Signing time: 05-02-2024 18:06:48

(PRAKASH CHANDRA GUPTA)
JUDGE

Shruti

Signature Not Verified
Signed by: SHRUTI JHA
Signing time: 05-02-2024 18:06:48