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. 53665 of 2023

BETWEEN:-

PAPPU @ PRAMOD S/O RAJARAM CHOUHAN, AGED ABOUT 27 YEARS, OCCUPATION: BUSINESS R/O GRAM BANEDIYA DEPALPUR, DISTT. INDORE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI NILESH PATEL - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION - NARCOTICS CELL, DISTT INDORE (MADHYA PRADESH)

.....NON APPLICANT

(BY SHRI HEMANT SHARMA - GOVERNMENT ADVOCATE)

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

ORDER

1. This is the 5th application filed by the applicant under Section 439 of Cr.P.C. for grant of regular bail relating to Crime No.77/2020 registered at Police Station Narcotics Cell - District Indore (M.P.) for the offence under Section 8, 21 of NDPS Act.

2. Applicant's second bail application has been dismissed on merit vide order dated 11.2.2022 passed in MCRC No.1235/2022, wherein it has been considered that the seized quantity of contraband is more than the commercial quantity and applicant does not deserve for bail. Later on, his third and fourth

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bail applications have been dismissed as withdrawn with liberty to renew the prayer after examination of the material witnesses before the trial Court.

3. Thereafter, applicant has preferred this repeated 5th bail application on the ground that the applicant is facing trial since 20.12.2020. As per the status report received from the trial Court, prosecution has examined only 3 witnesses in 4 years. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

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

5. Heard learned counsel for both the parties and perused the case diary.

6. From perusal of the record, it appears that the trial Court has examined three witnesses. Rohit Chandra (PW-3) has deposed against the present applicant. In the present case 13 kg 200 grams Codeine Syrup has been recovered from the possession of the present applicant, which is more than the commercial quantity. Looking to the gravity of the offence, this Court is not inclined to grant bail to the applicant.

7. Therefore, this repeated 5th bail application is also dismissed.

C.C. as per rules.

(ANIL VERMA)
JUDGE

trilok

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