IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 55469 of 2023

BETWEEN:-

SHERU S/O BADAN PARMAR, AGED ABOUT 23 YEARS, OCCUPATION: LABOURER R/O VILLAGE DHAMAKHEDI GANDHVANI DISTT. DHAR (MADHYA PRADESH)

.....APPLICANT

(SHRI RAHUL SHARMA- ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION MANAWAR DIST. DHAR (MADHYA PRADESH)

.....RESPONDENT

(SHRI AJAY RAJ GUPTA- PUBLIC PROSECUTOR)

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

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.938/2023 registered at Police Station - Manaver Distrcit Dhar (M.P.) under Sections 8/21, 29 of NDPS Act.

2. As per the prosecution case, on 13.08.2023, the police station Manaver received a secret information that one Jagdish aged about 25 years was going on a bike from Avalda to Tonk carrying a contraband of Ganja. The quantity of aforesaid illegal contraband is 45.5 kg.

3. It is submitted that the applicant has been implicated on the basis of memo of co-accused Jagdish who has stated that the aforesaid contraband was

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Signing time: 05-02-2024 18:08:23

purchased from the applicant. The contraband has been seized from co-accused Jagdish. The applicant is in jail since 18.08.2023 and charge sheet has been filed. No further custodial interrogation is required.

4. Learned counsel for the respondent/state opposed the prayer stating that the more than commercial quantity has been seized from the applicant. However, he fairly submits that the applicant has been implicated on the basis of memo of co-accused Jagdish and there is no criminal record of the applicant.

5. After hearing learned counsel for parties, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

6. It is directed that Applicant- Sheru shall be released from custody upon furnishing a personal bond of Rs.1,00,000/- (Rupees One Lakh Only) with one surety of the like amount to the satisfaction of the court below

7. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the court below.

C.c. as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

Sourabh

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Signed by: SOURABH YADAV
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