IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4375 of 2024

BETWEEN:-

PHOOL CHAND SINGH S/O SHRI BHOLA SINGH GOND, AGED ABOUT 40 YEARS, OCCUPATION: LABOR R/O VILLAGE BHAMARHA P.S. BEOHARI DISTRICT SHAHDOL (MADHYA PRADESH).

.....APPLICANT

(BY SHRI AVI SINGH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BEOHARI DISTRICT SHAHDOL (MADHYA PRADESH).

.....RESPONDENT

(BY SHRI PRAMOD CHOUBEY - GOVERNMENT ADVOCATE)

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

ORDER

This is the third bail application filed by applicant under Section 439 of Code of Criminal Procedure for grant of regular bail relating to FIR No.582/2023, registered at Police Station-Beohari, District Shahdol (M.P.) for the offence punishable under Sections 8/20-B of NDPS Act.

2. Learned counsel appearing for applicant submitted that applicant is innocent and has falsely been implicated in the case. Independent seizure witnesses have been examined and they are hostile in Court. Applicant is first time offender with no criminal record. He is in jail since 20.07.2023. In these

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circumstances, applicant be released on bail.

3. Learned Government Advocate appearing for the State opposed the bail application.

4. Heard learned counsel for the parties.

5. Considering the fact that seizure witnesses have turned hostile and the fact that applicant is first time offender, bail application filed by the applicant is ***allowed.*** It is directed that the applicant shall be released on bail on 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 trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

6. The applicant shall also abide by the following conditions of Section 437(3) of Cr. P. C. as under:-

> (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;
>
> (b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected and;
>
> (c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

vkt

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