

(2011) 11 MP CK 0034
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 6738 of 2011

Amgod Alias Khimla Nayak

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 03-11-2011

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 20(B)

Citation : (2011) ILR (MP) 3257 : (2012) 1 MPHT 48

Hon'ble Judges : Naresh Kumar Gupta, J

Bench : Single Bench

Judgement

N.K. Gupta, J.—Heard the learned counsel for the parties.

The applicant is in custody since 5.8.2011 in connection with Crime No.223/2006 registered at Police Station Dehat District Vidisha for the offence punishable u/s 20(ii)(B) of NDPS Act.

2. Learned counsel for the applicant submits that the applicant is a young youth of 27 years of age, who has no much criminal past alleged against him. Initially the applicant was enlarged on bail by this Court vide order dated 23.8.2006 in M.Cr. C. No. 3248/2006. Thereafter the applicant was convicted by some Court in Maharashtra, and therefore he was in jail so that he could not appear before the trial Court. Therefore the trial Court has issued his arrest warrant and ultimately he was arrested. Since the applicant was detained in Central Jail, Pune, and therefore there was a reasonable ground for his non-appearance. He assures that he will be regular in future, and therefore he may be enlarged on bail.

3. Learned Panel Lawyer for the State opposes the application.

4. Considering the submissions made by learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the applicant was enlarged on bail vide order dated 23.8.2006 in M.Cr.C.No.3248/2006 and that order was not at all cancelled by this Court, therefore as per the dictum laid down by the Hon"ble Apex Court in the matter of Siddharam Satlingappa Mhetre

Vs. State of Maharashtra and Others, , such order shall remain in force till the end of the trial, and therefore the trial Court has no option except to enlarge the applicant on bail again, if he furnishes the fresh bail bond and surety bond in compliance to that order.

5. However, the trial Court is free to recover any sum from the previous bail bond and surety bond due to bail jump done by the applicant.

6. Consequently, it is directed that if the applicant namely Amgod alias Khimla Nayak furnishes the fresh bail bond and surety bond in compliance of the order dated 23.8.2006 passed in M.Cr.C. No.3248/2006, then he shall be released on bail.

With the aforesaid directions, the instant application is hereby disposed of.

Certified copy as per rules.