

(2020) 11 MP CK 0016

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 30437 Of 2020

Bhumani @ Bhawani Lodhi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 03-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 20(b)

Citation : (2020) 11 MP CK 0016

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Vikas Jyotishi, Shweta Yadav

Final Decision : Allowed

Judgement

Anjuli Palo, J

Case diary is available.

This is the first application filed by the applicant under Section 439 of the Cr.P.C.

The applicant is in custody since 13.6.2020 in connection with Crime No.507/2020 registered at P.S. Kotwali, District Tikamgarh for the offences punishable under Sections 8/20(b) of the NDPS Act.

As per prosecution's case, 114 cannabis plants weighing about 15.190 Kgs are alleged to have been seized from the field of the applicant.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. Initially 114 cannabis plants weighing about 15.190 Kgs were alleged to have been seized from the field of the applicant but after two months on 7.8.2020 when dried plants were weighed, its weight was found about 5.800 Kgs. It is further submitted that the applicant has no criminal antecedents. He is in custody and trial would take considerable time to conclude due to situation created by Covid-19 pandemic. In view of the above, the prayer is

made to release the applicant on bail.

Learned Panel Lawyer opposed the application.

Considering the overall facts and circumstances of the case and quantity of contraband seized, I deem it appropriate to release the applicant on bail, therefore, without commenting on the merits of the case, the application is allowed.

It is directed that applicant Bhumani @ Bhawani Lodhi shall be released on bail on his furnishing a personal bond in a sum of Rs.60,000/-(Rupees Sixty Thousand Only) with one surety in the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

It is made clear that if the applicant is found involved in similar offence in future, then this order shall become ineffective without further reference to the Bench.

It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

With the aforesaid, the M.Cr.C. stands allowed and disposed of.