

(2020) 12 MP CK 0121

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.47590 Of 2020

Devaram S/O Manguram Dewasi

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 15
Evidence Act, 1872 — Section 27

Citation : (2020) 12 MP CK 0121

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Pankaj Ajmera, A. Choudhary

Final Decision : Allowed

Judgement

Vivek Rusia, J

1. This is the first anticipatory bail application under Section 438 of Cr.P.C. before High Court in connection with Crime No.49/2020 under Section

8/15 NDPS Act registered at Police Station "Narcotic Cell, Indore (Prakosht Neemuch), District-Indore.

2. According to the prosecution case, on 22/07/2020 police seized 40 Kg. of Poppy Straw in the Swift Desire Car bearing registration No.MH-12-KT-

4122 driven by Baldev. Police arrested him and on the basis of disclosure statement recorded under Section 27 of Indian Evidence Act, the police is

trying to arrest the present applicant by implicating him falsely. In the statement of Baldev, he stated that the car belongs to the applicant but the

applicant has no knowledge regarding transportation of Poppy Straw.

3. Learned counsel for the applicant submits that although the present applicant

is registered owner of the vehicle but he has no knowledge about illegal transportation of Poppy Straw. It is argued that there is no prima facie case against the applicant, then, the applicant shall be released on anticipatory bail. It is submitted that applicant has no role to play in the instant case. It is submitted that applicant is innocent and has falsely been implicated in the present case. There is no evidence against him. Conclude of trial is likely to take time. The applicant is permanent resident of District-Pune (Maharashtra). There is no possibility of his absconding. He is ready to furnish adequate security. Trial is likely to take time, therefore, he prays for release of the applicant on anticipatory bail.

4. The learned Panel Lawyer has opposed the bail application and submits that as per police prativedhan police is apprehending the applicant and prays for dismissal of the anticipatory bail application of the present applicant.

5. Heard learned counsel for the parties, perused the case-diary, keeping in view the disclosure statement of accused-Baldev, who is brother of

applicant, the non-involvement of present applicant in the crime and considering the aforesaid facts and circumstances of the case, keeping in view the

present secnerio of COVID-19, limited Court work, without commenting on the merits of the case, I deem it proper to grant anticipatory bail to the

present applicant. Accordingly, this application is allowed. It is directed that in the event of arrest, applicant shall be released on bail, on his executing a

personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and on furnishing two solvent sureties, out of which one shall be of local, in the

like amount to the satisfaction of the Arresting Authority (Investigating Officer).

6. The applicant shall make himself available for interrogation by a Police Officer, as and when required. He shall further abide by the other conditions

enumerated in sub-Section (2) of Section 438 of Cr.P.C.

C.C. as per rules.