

(2020) 12 MP CK 0016

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 43179 Of 2020

Gola @ Gole Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-12-2020

Acts Referred:

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

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 20, 46

Citation : (2020) 12 MP CK 0016

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Pradeep Naveriya, Anuj Singh

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is the second application filed by the applicant under Section 439 of the Cr.P.C. Earlier application M.Cr.C. No. 50507/2019 was dismissed as

withdrawn vide order dated 14.8.2020.

The applicant is in custody since 3.8.2019 in connection with Crime No.201/2019 registered at P.S. Khargapur, District Tikamgarh for the offence

punishable under Section 8/20, 46 of the NDPS Act.

As per prosecution case, about 170 plants of cannabis (about 160 Kgs.) is alleged to have been seized from the possession of the applicant.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The applicant is a first offender. He has no

criminal antecedents. The applicant is more than 75 years of age. He is in custody for last more than one year 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, quantity of contraband seized from the possession of the applicant and his custody period,

I deem it appropriate to release the applicant on, therefore, without commenting on the merits of the case, the application is allowed.

It is directed that applicant Gola @ Gole Yadav shall be released on bail on his furnishing a personal bond in a sum of Rs.70,000/- (Rupees Seventy

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.