
(2021) 05 MP CK 0058

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.19940 Of 2021

Maresh S/O Shiv Prakash Sharma

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-05-2021

Acts Referred:

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

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 15, 29

Indian Penal Code, 1860 — Section 380

Madhya Pradesh Excise Act, 1915 — Section 34

Citation : (2021) 05 MP CK 0058

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Siddharth Jain

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicant's first application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime

No.251/2020 registered at Police Station Daloda District Mandsaur (MP) for offence punishable under Section 8 read with Section 15 and Section 29

of the Narcotic Drugs & Psychotropic Substances Act, 1985 (herein after referred to as the Act).

The applicant is in jail since 28.09.2020.

It is found that the applicant was caught on the spot along with 80 kilograms of poppy straw along with co-accused Sukhdev s/o Gokalram Vishnoi,

which was being transported in a Car bearing registration number DL-09 CW-0844.

It is stated that the applicant has been falsely implicated in the case and the final conclusion of the trial is likely to take sufficiently long time.

Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that there are other three more criminal cases have

been registered against the applicant, they are under the provisions of the MP Public Gambling Act, 1976, Section 380 of IPC and also under Section

34 of MP Excise Act, 1915. Hence, no case for grant of bail is made out.

Having considered the rival submissions and on perusal of the case diary and taking note of the fact that the applicant is in custody since 28.09.2020

and the final conclusion of the trial is likely to take sufficiently long time in the wake of fresh spread of COVID-19, as the Courts are presently not

working, this Court is inclined to allow the present application.

Accordingly, without commenting anything on the merits of the matter, the application filed by the applicant is allowed. The applicant is directed to be

released on bail upon furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one solvent surety of the like amount to the

satisfaction of the trial Court for his / her regular appearance, as and when directed.

It is also observed that if the applicant is found in any of the criminal activities, after his release on bail, then the present bail order shall stand

cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

It is also directed that the applicant will abide by all the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.