

(2023) 10 MP CK 0101

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 47292, 48820 Of 2023

Mangal Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 30-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 18, 37

Citation : (2023) 10 MP CK 0101

Hon'ble Judges : Anil Verma, J

Bench : Single Bench

Advocate : Laveesh Sethia, Kapil Mahant, Anshul Shrivastava

Final Decision : Allowed

Judgement

Anil Verma, J

1. These are the first application filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail relating to Crime No.483/2023 registered at Police Station Shamgarh, District Mandsaur (M.P.) for the offence under Sections 8/18 of the Narcotics Drugs and Psychotropic Substances Act, 1985. The applicants are in custody since 08/10/2023.

2. As per the prosecution story, on 08/10/2023 police got a discrete information from the informant regarding the illegal transportation of the contraband. Act upon the said information, police party reached on the spot and intercepted the present applicants on a motorcycle having no registration number and recovered 01.500 Kilogram opium from their joint possession, without having any valid licence. Accordingly, a case has been registered against the applicants.

3. Learned counsel for the applicants submit that applicants are innocent and they have been falsely implicated in this matter. Applicants are in custody since 08/10/2023. Investigation is almost over. The seized quantity of contraband is below than the commercial quantity. Applicants are not having any criminal

antecedent. Applicants are the permanent resident of Mandsaur district and final conclusion of trial will take considerable long time. Hence, pray that applicants be released on bail.

4. Per-contra, learned counsel for the respondent/State opposes the bail applications and prays for its rejection. However, he fairly admits that no criminal antecedent has been found against the present applicants.

5. Perused the case diary as well as the impugned order of the Court below.

6. Considering all the facts and circumstances of the case, nature and gravity of allegation as also taking note of the fact that applicants are in custody since 08/10/2023; applicants have no criminal back ground; seized quantity of contraband is below than the commercial quantity therefore, there is no specific bar under Section 37 of the NDPS Act; investigation is almost over, therefore, no further custodial interrogation of the applicants is required and final conclusion of trial will take considerable long time. In these circumstances, I deem it proper to release the applicants on bail.

7. Accordingly, without commenting upon the merits of the case, the applications are allowed. It is directed that the applicants be released on bail upon their furnishing a personal bond in the sum of Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only) each with separate solvent surety in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required. They shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.