

(2024) 04 MP CK 0156

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 15817, 15776 Of 2024

Santosh Bai And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-04-2024

Acts Referred:

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

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

Citation : (2024) 04 MP CK 0156

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Vandana Rathore, Syed Asif Ali Warsi

Final Decision : Allowed

Judgement

Prakash Chandra Gupta, J

Heard with the aid of case diary.

1. M.Cr.C. No.15817/2024 is repeat second application and M.Cr.C. No.15776/2024 is first bail application filed under Section 439 of Cr.P.C. for grant of bail to the applicants, in connection with FIR/Crime No.32/2024, Date:-(Not mentioned) registered at P.S.-Dahi, District-Dhar (M.P.) for commission of offence punishable under Sections 8/20 of the N.D.P.S. Act.

2. Prosecution story in brief is that, on 18.02.2024 applicants were found in possession of 2 kg. 500 grams of Ganja without having any license or authority. Police had seized the aforesaid contraband from joint possession of the applicants and accordingly case has been registered against them.

3. Learned counsel for the applicants submits that applicants have not committed the offence and they have falsely been implicated in the case. It is submitted that applicants are in custody since 18.02.2024. It is further submitted that first bail application of the applicant Santosh Bai has been dismissed as withdrawn

vide order dated 01.04.2024 passed in M.Cr.C. No.10020/2024 with liberty to renew the prayer after filing of the charge sheet before the trial court. Now investigation is completed and charge sheet has been filed. Applicant has no criminal antecedents. Conclusion of the trial will take sufficient long time for its disposal. Under these circumstances, prayer is made for grant of bail to the applicant.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayer of the applicants and prays for rejection of the application.

5. Having considered the submissions advanced from counsel for the parties, also considering the facts and circumstances, without commenting on the merits of the case, this Court is of the view that applicants deserves to be enlarged on bail. Hence, the application is allowed.

6. It is directed that the applicants- SANTOSH BAI, VESTA @ BASANT SISODIYA & DINESH, be released on bail upon their furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only)Each with separate sureties in the like amount to the satisfaction of the concerned trial Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during pendency of the trial. It is further directed that applicants shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

7. M.Cr.C. stands disposed of, accordingly. C.c. as per rules.