

(2021) 01 MP CK 0110

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.32145 Of 2020

Shantilal Banjara

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2), 482
Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 15

Citation : (2021) 01 MP CK 0110

Hon'ble Judges : Shailendra Shukla, J

Bench : Single Bench

Advocate : Rishiraj Trivedi, Sudhanshu Vyas

Final Decision : Allowed

Judgement

Shailendra Shukla, J

This is first anticipatory bail application under Section 438 of Code of Criminal Procedure, 1973 filed by the applicant-Shantilal Banjara as he is

apprehending his arrest in connection with Crime No.214/2020 registered at Police Station-Manasa, District-Neemuch (MP) for the offence

punishable under Section 8/15 of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per prosecution story on 28.06.2020, a Maruti Alto Car was intercepted by the police which was found to contain 33 kilograms of poppy-straw.

Accordingly, case has been registered against him.

Learned counsel for the applicant submits that applicant is not the owner of the car and the allegation against the applicant is that he had absconded

from the spot as per witness â?" Baluram. Learned counsel also submits that witness â?" Baluram has filed a petition under Section 482 of Criminal

Procedure Code seeking removal of his name from the list of witnesses and the connected matter is MCRC No.53460/2020. He also submits that

applicant has no criminal antecedents registered against him. With these submissions, anticipatory bail has been sought.

Learned counsel for the non-applicant/State was also heard who fairly admits that there are no criminal antecedents registered against the present

applicant. He also admits that the aforesaid car was not found to be in the ownership of present applicant.

Considered.

In view of the aforesaid facts and circumstances and the submissions mainly those made by learned counsel for the applicant as well as looking to the

fact that the connected matter filed by witness-Baluram, a case is made out for grant of anticipatory bail to the applicant. Accordingly the application

filed by applicantâ?"Shantilal Banjara is allowed and it is directed that in the event of arrest of applicant in connection with the aforesaid crime

number, the applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/-(Rupees Fifty Thousand) with one local

solvent surety in the like amount to the satisfaction of Arresting Officer. The applicant shall appear before the Investigating Officer (IO) on

01.02.2021 and he shall assist the IO in the investigation process and he shall continue to do so, whenever it was required by the IO. This order shall

be governed by the conditions No.1 to 3 of sub-section (2) of Section 438 of Criminal Procedure Code, 1973.

With the aforesaid, this application stands allowed and is disposed of in above terms.

Certified copy as per Rules.