

(2023) 05 MP CK 0014

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 18886 Of 2023

Shravan Kumar Pathak @ Shviendra And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-05-2023

Acts Referred:

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

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 21, 22

Drugs (Control) Act, 1950 — Section 5, 13

Citation : (2023) 05 MP CK 0014

Hon'ble Judges : Achal Kumar Paliwal, J

Bench : Single Bench

Advocate : D.S. Dubey, Akshay Namdeo

Final Decision : Allowed

Judgement

Achal Kumar Paliwal, J

1. This is the first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail relating to F.I.R. No.44 of 2023 dated 14.4.2023 registered at Police Station Sagra, District Rewa for the offence punishable under Sections 8,21, 22 of the NDPS Act and Sections 5/13 of the Drugs Control Act. The applicants are in custody since 14.4.2023.

2. As per the prosecution case, 40 bottles of 100 ml per each Codeine Phosphate Corex Syrup has been seized from the joint possession of the applicants.

3 . It is submitted that the applicants have falsely been implicated in the crime. They have not committed any offence in any manner. Charge sheet in the matter has been filed. There is no direct evidence against the applicants. The applicant is in custody since 14.4.2023. There is no further requirement of custodial interrogation of the applicants. They are ready to abide by all the terms and conditions that may be imposed by this Court while considering his application for grant of bail. On these grounds, he has prayed for grant of bail to the

applicants.

4. Per contra, State counsel has vehemently opposed the application stating that there is active participation of the applicants in the commission of offence. The applicant is having a criminal history of one case as per case diary record. Looking to the custody period, he has prayed for dismissal of the bail application.

5. Considering the overall facts and circumstances of the case and looking to the fact that the charge-sheet has already been filed but without commenting upon the merits of the case, this Court deems it appropriate to allow this application. Accordingly, the application is allowed. They are directed to be released on bail on furnishing surety bond of Rs.50,000/-(Rupees Fifty Thousand Only) each with two solvent sureties each in the like amount to the satisfaction of trial Court. It is also directed that the applicants shall comply with the conditions as enumerated under Section 437(3) Cr.P.C.

6. This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

7. Application stands allowed.

8. Certified copy as per rules.