

(2023) 12 MP CK 0089

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 56079 Of 2023

Vivek @ Sintu Chaturvedi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 19-12-2023

Acts Referred:

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

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8, 21, 29

Citation : (2023) 12 MP CK 0089

Hon'ble Judges : Anuradha Shukla, J

Bench : Single Bench

Advocate : Neeraj Singh Chauhan, Vinita Sharma

Final Decision : Allowed/Disposed Of

Judgement

Anuradha Shukla, J

1. This is first application under Section 439 of the Code of Criminal Procedure 1973 for grant of bail filed on behalf of the applicants who have been arrested relating to FIR/Crime No.596/2023 dated 29.09.2023 registered at Police Station Vindhyanagar, District Singrauli for the offence punishable under Sections 8/21 and 29 of NDPS Act.

2. Learned counsel for the applicants submits that the applicants are in custody since 29.09.2023 and the trial will take considerable time to conclude. He further submits that the applicants are innocent and have falsely been implicated in the case. The applicants are the permanent resident of district and there is no possibility of their absconding or tampering with prosecution evidence. They are ready to furnish adequate surety and shall abide by all the conditions to be imposed by the Court. Upon these grounds, it is prayed that the applicants be released on bail.

3. On the other hand, learned counsel for the State has opposed the bail application and prayed for its rejection.

4. Heard learned counsel for the parties and perused the case diary.
 5. In this case, 10-10 gram heroin was seized from each of the applicants which comes in the category of medium quantity of contraband. This bail application has been argued on the ground that applicants have been falsely implicated in the case.
 6. Learned counsel for the State has opposed the bail application on the ground that applicants have criminal antecedents.
 7. Having considered the fact that one case each was registered against the applicants under NDPS Act, while rest of the criminal cases were under the different Acts and taking into consideration the quantity seized from the applicants, this Court finds it fit to release the applicants on bail, therefore without commenting on the merits of the case, this bail application is allowed subject to stringent conditions.
 8. It is directed that the applicants shall be released on bail upon their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with separate surety in the like amount to the satisfaction of the trial Court concerned for their appearance before the said Court on all such dates as may be fixed in this regard during pendency of the trial.
 9. It is further directed that the applicants shall mark their presence every fortnight before the police station Vindhyanagar, District Singrauli (M.P.) between 10:00 a.m. to 12:00 p.m. till the conclusion of trial.
 10. It is made clear that in case the applicants repeat similar kind of offence in future, this bail order shall be reconsidered for cancellation.
- The applicants shall comply with the provisions of Section 437 (3) of the Cr.P.C.
11. Accordingly, this M.Cr.C. stands allowed and disposed of.