

**M.Cr.C. No.6627/2013**

**30.08.2013**

Shri Jitendra Bajpai, learned Counsel for the applicant.

Smt. Mamta Shandilya, learned panel lawyer for the respondent /State.

By this application filed under Section 439 of the Cr.P.C. applicant Rameshchandra has moved the application for grant of bail being implicated in Crime No.318/2012 registered by police station Badnager, Ujjain for offence under Section 8/20 NDPS Act.

Counsel for the applicant has vehemently urged the fact that the son of the applicant has expired and the applicant needs to be enlarged on temporary bail. He candidly admitted that the son of the applicant had expired on 28.06.2013 and the facts were before the trial Court. He however claimed that the applicant wants to disburse the ashes in proper religious manner and hence prays that the application for temporary bail be allowed since the applicant has been arrested on 29.08.2012 and it is now almost one year .

Counsel for the respondent/State has drawn attention to this Court in the impugned order and pointed out that this fact has been considered by the trial Court and delay in filing the application as well as the fact that the another application has already been dismissed by this Court, the fact suppressed from the trial Court that the

application has been dismissed.

On considering the above submissions, the impugned order and material available in the case diary, I find that no death certificate has been filed along with the application and no fruitful purpose will be served in enlarging the applicant. Looking to the nature of the offence, applicant was found in possession of 33 kg. *ganja* and he has every chance for absconding.

In view of the above, the application is without merit and stands **dismissed** as such.

**(Mrs. S. R. Waghmare)**  
**Judge**