

**Rakesh vs State of M.P.**

**30/06/2014**

Shri Raman Patel, Advocate for the applicant.

Shri Devendra Shukla, Panel Lawyer for the respondent/State.

Heard finally. Case diary is perused.

This is the second repeat bail application on behalf of the applicant under Section 439 of Cr.P.C.

The applicant is in custody since 14.01.2014 in connection with Crime No.53/2014 registered at Police Station Narsinghpur, District Narsinghpur (M.P.) for the offence punishable under Section 8/21 of N.D.P.S. Act.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the case. It is further submitted that only 18 grams of smack has been seized from the possession of the applicant and mandatory provisions of Section 50, 51 and 57 of N.D.P.S. have not been complied with. The applicant is in custody and conclusion of trial would take considerable time. On the aforesaid grounds, it is prayed that the applicant be released on bail.

Learned Panel Lawyer for the State vehemently opposed the application.

The first application was dismissed on merits vide order dated 22.04.2014 passed in M.Cr.C.No.4414/2014. No fresh ground is made out for releasing the applicant on bail.

After hearing learned counsel appearing for the parties and considering the facts and circumstances of the case coupled with the material available on record, I am of the view that this is not a fit case for grant of bail to the applicant. Consequently, this repeat application filed by the applicant under Section 439 of Cr.P.C is hereby rejected.

**(SUBHASH KAKADE)  
JUDGE**

*SJ/-*