

**MCRC-13085-2016**

*(SURESH Vs THE STATE OF MADHYA PRADESH)*

**29-12-2016**

Shri Nilesh Dave, learned counsel for the applicant.

Shri Sanjay Karanjawala, learned counsel for the respondent /State.

This is first application under Section 439 of the Code of Criminal Procedure for grant of bail filed by the applicant.

The present applicant was arrested by Police Station-Javad, District- Neemuch in Crime No.251/2016, under Sections 8/15 and 29 of NDPS Act for transporting 58 kg of poppy straw in an Indica Car alongwith co-accused Bainaram.

Learned counsel for the applicant submits that the present applicant was found travelling in the car and sitting adjacent to the driver Bainaram to whom the car belonged and who was driving the car. There is no other evidence available against the present applicant.

Learned counsel for the State submits that the applicant was travelling in the same car and was having conscious knowledge of the fact that 58 kg of poppy straw was being transported in the car. He also submits that the quantity of the poppy straw is a commercial quantity.

After taking into consideration all the facts and circumstances of the case and without commenting on merit of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of

the Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond of **Rs.75,000-/(Rs. Seventy Five Thousand only)** and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

It is further directed that he shall also mark his presence in the concerned police station on the **first Sunday** of every month between **10.00 am to 12.00** noon during pendency of the trial. Any default in attendance in Court and making presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately. And also on a condition that the present applicant shall remain present on all the dates of hearing fixed by the trial court unless his personal appearance was exempted by the court.

In case of any breach of condition of this order, this order shall be deemed to have been cancelled without reference to this Court.

Copy of this order be sent to the concerning Superintendent of Police.

Certified copy as per rules.

(ALOK VERMA)  
JUDGE

