

M.Cr.C. No.5586/2017

29/05/2017

Shri Sunil Gupta, learned counsel for the petitioner.

Shri Pankaj Wadhvani, learned Govt. Advocate for the respondent/State.

This is first application under Section 439, Cr.P.C by petitioner-**Harun**, who has been arrested by Police on **14/04/2017** in **Crime No.314/2017, Police Station Khajrana, District-Indore**, concerning offence under **Section 8/22 of the Narcotics and Psychotropic Substances Act, 1985**.

Heard the learned counsel for the parties and perused the case-diary.

Allegedly, 858 tablets of Alprazolam were recovered from Shadab, Sohail S/o Sharif Shah, Ashraf, Mohit, Junaid and Sohail S/o Bantu @ Salim. The complicity of the petitioner is alleged on the basis of disclosure said to have been made by co-accused Sohail and Juned to the effect that they have procured the tablets from petitioner-Harun.

It is submitted by learned counsel for the petitioner that apart from the said disclosure there is no legal evidence to connect the petitioner with the alleged offence. It is further submitted that the investigation is over and a charge-sheet is likely to be filed shortly and that, the offence is triable by Judicial Magistrate, First Class and there is no apprehension of the petitioner's running away

from the course of justice, if released on bail.

It is not disputed by the learned Public Prosecutor that apart from the disclosure said to have been made by co-accused Sohail and Juned, there is no other legal evidence to connect the petitioner with the alleged offence .

Though, prayer for bail is opposed by the learned Public Prosecutor, however, considering the broad features of the case, without further commenting anything on the merits of the case, it would be appropriate to admit the petitioner on bail.

Accordingly, the petition is hereby allowed and it is directed that on furnishing personal bond by the petitioner in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)**, with one solvent surety in the like amount to the satisfaction of the concerned Chief Judicial Magistrate/Judicial Magistrate First Class, he shall be released on bail, subject to the condition that he shall make himself available to the Police, as and when required during the investigation and will also remain present before the trial Court as and when directed in that behalf.

CC as per rules.

skt

(Ved Prakash Sharma)
Vacation Judge