

HIGH COURT OF MADHYA PRADESH
MCRC No. 4600/2020 (Lakhan vs. State of MP)
MCRC No.3155/2020 (Ramesh vs. State of MP)
Indore: Dated:- 31/01/2020:-

Shri Manish Yadav, learned counsel for the petitioner in MCRC No.4600/2020.

Shri Vikram Singh Muvel, learned counsel for the petitioner in MCRC No.3155/2020.

Shri Sandeep Mehta, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

ORDER

1. This common order shall dispose of both the petitions (MCRC No.4600/2020 & 3155/2020).
2. Both these petitions are 3rd applications of petitioners Lakhan and Ramesh under Section 439 of Cr.P.C. in connection with Crime No.40/2019 registered at Police Station – Narcotics, Indore under Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Earlier both the applications have been dismissed as withdrawn.
4. According to the prosecution case after receiving information when the police intercepted Hyundai Eon Car No.M.P.09.CT.4195, 16 k.g. cannabis (*ganja*) was found in the *dikki* of the car. At the time of recovery, Lakhan was driving the car and Ramesh was sitting beside.
5. It is prayed that non-commercial quantity is recovered from possession of the petitioners.
6. The weight of the contraband recovered is inclusive of weight of bag. Actual quantity is even less than 16 k.g. The petitioners have no criminal record. They are languishing in

jail since 04/06/2019 & 04/06/2019. Investigation is over and charge-sheet has been filed. Trial is likely to take time, therefore, they be granted bail.

7. On due consideration of the facts and circumstances of the case, coupled with period of custody and quantity recovered from joint possession of the petitioners, both the applications are allowed.

8. It is directed that the petitioners **Lakhan S/o Shri Gokul Patidar** and **Ramesh S/o Shri Umraon Chandel** be released from custody on their furnishing personal bond in the sum of **Rs.30,000/-(Rs. Thirty Thousand)** each with **separate** solvent surety of the like amount to the satisfaction of the Trial Court for their appearance before the Trial Court as and when required further subject to the following conditions:

- (i) The petitioners shall co-operate in the trial and shall attend the trial Court during the trial;
- (ii) The petitioners shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing such facts of the Court;
- (iii) The petitioners shall not commit any offence or involve in any criminal activities;
- (iv) In case, involvement in any other criminal activity is found, the bail granted in this case may also be cancelled.

A copy of this order be kept in MCRC No.3155/2020.

(Virender Singh)
Judge

soumya

Soumya
Ranjan
Dalai

Digitally signed by Soumya
Ranjan Dalai
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Madhya Pradesh Bench
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