

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.30777/2020

(Raju @ Niranjana Tiwari Vs. State of M.P.)

Indore, Dated: 31/08/2020

Shri Anil Ojha, learned counsel for the applicant.

Shri Chetan Jain, learned counsel for the respondent/State.

Heard through video conferencing on the question of grant of bail.

This is an application filed by the applicant under Section 438 Cr.P.C. for grant of anticipatory bail.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced for perusal and it is accordingly perused.

The applicant is apprehending his arrest for an offence punishable under Section 8/18 and 29 of the NDPS Act registered with Police Station Kaludheda, District Ratlam in Crime No.86/2020.

Learned counsel for the applicant submits that 950 gram of opium has been seized from the custody of co-accused Dinesh and Dhanraj. He further submits that nothing has been seized from the present applicant. He also submits that the motorcycle on which the co-accused were going also does not belong to the present applicant and no case under the NDPS Act was earlier registered against the applicant but he has been implicated only on the basis of memorandum of co-accused recorded under Section 27 of the Evidence Act. He further submits that the applicant has been falsely implicated because he was earlier the Chairman of Krishi Upaj Mandi. He also submits that apart from memo under Section 27 of the Evidence Act, there is no material to connect the present applicant with the alleged offence and if arrested at this stage, he will suffer serious prejudice.

Learned counsel for the State has opposed the bail application but has not disputed that apart from memorandum of co-accused under Section 27 of the Evidence Act there is no other material to connect the applicant with the alleged offence. He has also submitted that against the applicant, earlier cases under the IPC were registered but has not disputed that no case was earlier registered under the NDPS Act.

After hearing the learned counsel for the parties and on consideration of the facts and circumstances of the present case, I find it to be a fit case for grant of anticipatory bail to the applicant.

Accordingly the bail application is **allowed** and it is directed that in the event of the applicant's arrest, in connection with Crime No.86/2020, the applicant be released on bail on furnishing a bail bond of Rs.75,000/- (Rupees Seventy Five thousand) with one surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. The applicant is also directed to appear before the Investigating Officer within a period of 2 weeks from today. He would abide by the conditions mentioned in Section 438(2) Cr.P.C.

Certified copy as per rules.

(Prakash Shrivastava)
Judge

krjoshi

Digitally signed by KHEMRAJ JOSHI
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