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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE AMAR NATH (KESHARWANI)**

**ON THE 30<sup>th</sup> OF MAY, 2022**

**MISC. CRIMINAL CASE No. 23367 of 2022**

**Between:-**

**RAJU @ RAJKUMAR S/O NANDLAL PATIDAR ,  
AGED ABOUT 35 YEARS, OCCUPATION:  
AGRICULTURIST VILLAGE GUJARBADIYA,  
TEHSIL AND DISTRICT MANDSAUR (MADHYA  
PRADESH)**

**.....PETITIONER**

**(BY SHRI HIMANSHU THAKUR, ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
DALODA (MADHYA PRADESH)**

**.....RESPONDENTS**

**(BY SHRI GOVIND PUROHIT, G.A )**

.....  
*This application coming on for admission this day, the court  
passed the following:*

**ORDER**

This is first application filed under section 439 Cr.p.C seeking bail in connection with crime no.126/2022 registered at police station Daloda, district Mandsaur for the offence punishable under sections 8/15 & 29 of the NDPS Act.

As per prosecution case, 30 kg. poppy straw was recovered from the possession of the co-accused Sohail.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case as there is no recovery of the contraband from his possession and he has been implicated on the basis of the memorandum statement of the co-accused recorded under section 27 of the Evidence Act which is not admissible in evidence. The contraband is less than commercial quantity, therefore, there is no bar under section 37 of the NDPS Act in releasing the applicant on bail during trial. He is a first offender with no criminal record. The investigation is complete and charge sheet has been filed. He is in custody since 14.04.2022, hence prays for release of the applicant on bail during trial.

Learned Govt. Advocate opposes the bail application, however, concedes that he is a first offender and there is no criminal record against him.

Considering the facts and circumstances of the case, the arguments advanced by the learned counsel for the parties coupled with the fact that the contraband is less than commercial quantity, without commenting on the merit of the case, the application is allowed. The applicant is directed to be released on bail upon his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437 (3) of the Cr.P.C.

This order shall remain effective till the end of the trial but in case

of bail jump and breach of any of conditions of bail, it shall become ineffective and cancelled without reference to this Bench.

C.c as per rules.

hk/

Digitally signed by HARI  
KUMAR C G NAIR  
Date: 2022.05.31 14:10:14  
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**(AMAR NATH (KESHARWANI))  
V. JUDGE**

