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

**BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 30th OF JUNE, 2022**

MISC. CRIMINAL CASE No. 31479 of 2022

Between:-

**JITENDRA CHOUDHARY S/O HUKUM CHOUDHARY ,
AGED ABOUT 39 YEARS, OCCUPATION: LABOURER
VILLAGE KHEDI SIHOD MANPUR, DISTRICT- INDORE
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI APPORV JOSHI, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION MANPUR,
DISTRICT-INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI BHUWAN DESHMUKH, GOVT. ADVOCATE)

This application coming on for order this day, the court passed the following:

ORDER

The are heard and perused the case diary.

This is applicant's TM **third** bail application filed under Section 439 of Cr.P.C. The applicant is implicated in connection with Crime No.209/2021 registered at Police Station-Manpur, District-Indore MP) for offence punishable under Sections 8/20 of the N.D.P.S. Act. The applicant is in custody since 07.6.2021.

Applicant's first bail application M.Cr.C.No.53750/2021 was allowed by this Court vide order dated 12.11.2021 however, it was directed that at the time of furnishing the bail bond if it is found by the trial court that any case is registered against him, then the bail order shall stand cancelled.

Counsel for the applicant has submitted that the trial court found that the applicant was already convicted in another case of the same nature under Section 8/20 of the N.D.P.S. Act wherein 2.270 kg. of Ganja has been seized from his possession. It is further submitted that the applicant has suffered one year's incarceration in the present case as he was arrested on 7.6.2021 and the final conclusion of the trial is likely to take sufficient long time. In such circumstances, it is prayed that the application be allowed the applicants be released on bail



Counsel for the State, on the other hand, has opposed the prayer and submitted that no case for grant of bail is made out.

On due consideration of the rival submissions and on perusal of the case diary including the documents filed on record, as also considering the quantity of the contraband and the final conclusion of the trial is likely to take sufficiently long time, without reflecting anything on the merits of the case, the application filed by under Section 439 of Cr.P.C. on behalf of the applicants is hereby allowed.

The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.5,00,000/- (Rupees Five Lacs. only)** with one solvent surety of the like amount to the satisfaction of the trial Court for his regular 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) Criminal Procedure Code, 1973.

It is further observed that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.

(SUBODH ABHYANKAR)
JUDGE

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