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

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

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

**MISC. CRIMINAL CASE No. 34055 of 2022**

**Between:-**

**RAHIM KHAN S/O LAKHE KHAN, AGED ABOUT  
61 YEARS, OCCUPATION: LABOR R/O VILLAGE  
MALNI, TEHSIL BHINMAAL (RAJASTHAN)**

**.....APPLICANT**

**(BY SHRI NILESH MANORE, ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
JAORA CITY, DISTRICT RATLAM (MADHYA  
PRADESH)**

**.....RESPONDENT**

**(BY SHRI RAHUL SOLANKI, PUBLIC PROSECUTOR)**

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

**ORDER**

01. This is the first application under Section 439 of Criminal Procedure Code, 1973. The applicant is implicated in connection with Crime No.121/2022 registered at Police Station Jaora City, District Ratlam (MP) for offence punishable under Sections 8/18, 25 and 29 of the N.D.P.S. Act. The applicant is in custody since 28.04.2022.

02. As per the prosecution, on 28.04.2022 on the basis of a secret information, checking was conducted and 800 grams of opium was recovered

Signature Not Verified

Signed by: JYOTI

CHOURASIA

Signing time: 01-Sep-22

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from the possession of the applicant then he was apprehended near a waiting room in Jaora. On the basis of recovery made from the applicant, he has been

implicated and arrested for the present offence.

03. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. The quantity recovered from the applicant though is above the minimum quantity but is below the commercial quantity. Investigation has been completed and charge sheet has been filed and the applicant has remained in custody since 28.04.2022 and the trial is likely to take a sufficient long time for its conclusion. It is also submitted that the applicant is not having any criminal antecedents. On such grounds, prayer for grant of bail to the applicant has been made.

04. The aforesaid prayer has been opposed by learned counsel for the respondent/State submitting that in view of the allegations levelled against the applicant, he is not entitled to be released on bail.

05. I have heard the learned counsel for the parties and have perused the case diary.

06. The quantity recovered from the applicant though is above the minimum quantity but is below the commercial quantity. The applicant is not shown to be having any criminal antecedents. Investigation has been completed and charge sheet has been filed and the applicant has remained in custody since 28.04.2022 and the possibility of the trial taking a long time for its conclusion cannot be ruled out. Thus, in my opinion the applicant deserves to be enlarged on bail.

07. Accordingly, the bail application is allowed. The applicant is directed to be enlarged on bail on his furnishing personal bond in the sum of

**Rs.1,00,000/- (Rupees Two Lac Only) with two solvent sureties of**

**Rs.50,000/- each out of which one shall be local surety of the like amount**

to the satisfaction of the trial Court for his appearance as and when directed.

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08. It is also directed that the applicant will abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Certified copy as per rules.

**(PRANAY VERMA)**  
**JUDGE**

jyoti



Signature Not Verified

Signed by: JYOTI  
CHOURASIA  
Signing time: 01-Sep-22  
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