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

**BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

ON THE 31st OF AUGUST, 2023

MISC. CRIMINAL CASE No. 34217 of 2023

BETWEEN:-

**BABUSINGH S/O SHRI DATARSINGH RAJPUT, AGED
ABOUT 55 YEARS, OCCUPATION: AGRICULTURIST
GRAM NAVELI TEHSIL PIPLODA DISTRICT RATLAM
SAMBADHIT AARKSHI KENDRA PIPLODA DISTRICT
RATLAM (MADHYA PRADESH)**

.....APPLICANT

(SHRI SUNIL KUMAR SONI, LEARNED COUNSEL FOR THE APPLICANT.)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION NAHARGARH
DISTRICT MANDSAUR (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI VISHAL PANWAR, LEARNED P.L. FOR THE STATE.)

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

ORDER

Heard with the aid of case diary.

2. This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.158/2023 dated (not mentioned) registered at Police Station Nahargarh, District Mandsaur(M.P.) for commission of offence punishable under Sections 8/18 and 29 of the N.D.P.S. Act.

3 . Prosecution story in brief is that, on 13.05.2023 present applicant/accused was transporting 4.200 kgs of opium in his car bearing

registration No.RJ-09-CC-4150 without having any license or authority. The police had seized the aforesaid contraband from possession of the present applicant and offence was registered against the applicant. During investigation it was found that the co-accused persons Devilal, Madanlal and Suresh had supplied the aforesaid contraband to the present applicant.

4. Learned counsel for the applicant submits that the applicant/accused has not committed the offence and he has falsely been implicated in the case. Co-accused Madanlal granted bail by this Court vide order dated 04.07.2023 in M.Cr.C. No.24076/2023 and co-accused Suresh and Devilal were granted anticipatory bail by this Court vide order dated 14.04.2023 and 31.07.2023 passed in M.Cr.C. No.29668/2023 and M.Cr.C. No.32840/2023 respectively. Further it has been submitted that the aforesaid contraband has not been seized from the possession of the applicant and at the time of the incident he was not present at the spot. Police had arrested the applicant from different place and falsely been implicated in the present case. He is in custody since 13.05.2023. After completion of investigation charge sheet has been filed. His granddaughter is suffering from serious illness and her treatment is going on. His wife is also suffering from serious illness and there is no one in the family to look after them. Conclusion of trial will take considerable long time for its disposal. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

5. Per Contra, learned Panel Lawyer for the State has opposed the prayer of the applicant and submitted that the said contraband comes under commercial quantity therefore, applicant is not entitled for bail.

6. Having considered the submissions advanced from counsel for the

parties, also considering the facts and circumstances, this Court is of the view that at this stage applicant is not entitled for grant of bail. Accordingly, M.Cr.C. is **rejected**.

(PRAKASH CHANDRA GUPTA)
JUDGE

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