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

**BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 30th OF NOVEMBER, 2023**

MISC. CRIMINAL CASE No. 51462 of 2023

BETWEEN:-

**BHERU S/O MANGU, AGED ABOUT 51 YEARS,
OCCUPATION: AGRICULTURE R/O VILLAGE BORIYA
TEHSIL BADNAWAR DIST. DHAR (MADHYA PRADESH)**

.....APPLICANT

(SHRI NEERAJ GAUR, LEARNED COUNSEL FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION BADNAWAR
DISTT.DHAR (MADHYA PRADESH)**

.....RESPONDENTS

***(Ms. BHAGYASHREE GUPTA, LEARNED GOVT.ADVOCATE FOR THE
RESPONDENT/STATE)***

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

ORDER

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant, in connection with FIR/Crime No.645/2023, Date :- (Not mentioned) registered at P.S. - Badnawar, District - Dhar (M.P.) for commission of offence punishable under Section 8/20 of NDPS Act.

2. Prosecution story, in brief, is that on 23.9.2023 after receiving secret information the Police searched the land of the applicant and it was found that the applicant cultivated cannabis plants. The Police had seized 200 cannabis

plants from the land of the applicant and offence was registered against him.

3 . Learned counsel for the applicant/accused person submits that the applicant has not committed the offence and has falsely been implicated in the case. The applicant is in custody since 23.9.2023. After completion of investigation, charge-sheet has been filed. The applicant has no criminal past likewise this offence. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

4 . On other hand learned counsel for the State/non-applicant has opposed the prayer and prayed for its rejection.

5. Having considered the rival contentions of the learned counsel for the parties, also looking to the aforesaid facts and circumstances of the case, this Court is of considered view that this is a fit case to grant bail to the applicant. Hence, without expressing any opinion on merit of the case, the bail application of the applicant is **allowed**.

6. It is directed that the **applicant - Bheru** be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the concerned trial Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during pendency of the trial. It is further directed that applicant shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

7. M.Cr.C. stands disposed of, accordingly.

C.c. as per rules.

(PRAKASH CHANDRA GUPTA)
JUDGE

patil

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