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

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 31st OF JANUARY, 2024

MISC. CRIMINAL CASE No. 3545 of 2024

BETWEEN:-

1. MAMTA W/O PREMCHAND, AGED ABOUT 28 YEARS, OCCUPATION: HOUSEWIFE GALLA KOTHAR, THATHIPUR, GIRD, GWALIOR (MADHYA PRADESH)
2. SURAJ SIKARWAR S/O ASHOKSINGH, AGED ABOUT 22 YEARS, OCCUPATION: LABOUR GURUDWARA MOHALLA, MATA COLONY, AMBAH MORENA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI AKASH RATHI, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION SENDHWA
GRAMIN DIST. BARWANI (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI AJAY GUPTA, PANEL LAWYER)

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

ORDER

Heard and perused the record.

This is the first bail application filed on behalf of the applicants under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant is arrested in relation to Crime No.825/2023, registered at Police Station Sendhwa Gramin, District-Barwani for the offence under Section 8/20 of NDPS Act. The applicants are in jail since 02.12.2023.

2. As per prosecution story, 8 kg ganja and 3 kg ganja have been seized from the possession of applicants Suraj and Mamta respectively.

3. Learned counsel for the applicants submits that the applicants are innocent and have falsely been implicated in this case. Investigation is over and charge sheet has been filed. He further submits that there is no criminal case registered against the applicants. The applicants are in jail since 02.12.2023 i.e. almost two months is going to be completed. Final conclusion of trial will take a sufficient long time. Under these circumstances, counsel prays for grant of bail to the applicants.

4. On the other hand, learned Govt. Advocate for the State has opposed and prayed for its rejection but fairly submitted that no criminal case has been registered against the applicants.

5. After hearing learned counsel for the parties and looking to the facts and circumstances of the case and custody period, I am of the view that it is a case, in which applicants may be released on bail. Consequently, without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands **allowed**.

6. It is directed that applicants be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** each with one solvent surety each in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

Vindesh

