

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
MCRC No. 29436 of 2024
(*PRAKASH SINGH VS. STATE OF MADHYA PRADESH*)**

Dated: 20-07-2024

Appearance:

Shri Nitin Goyal- Advocate for applicant

Shri PPS Vajeeta- Public Prosecutor for respondent- State

ORDER

This **first** application has been filed by applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita 2023 for grant of bail in connection with Crime No.114 of 2024 registered at PS Deepnakheda, District Vidisha (M.P.) for the offence punishable under Section 8/20 of NDPS Act. Applicant is in judicial custody since 26-06-2024.

According to prosecution case, on 26/06/2024, ASI -Ramswaroop Soni, PS Deepnakheda, District Vidisha, on secret information, along-with police force reached near Petrol Pump, Village Deepnakheda and intercepted the applicant. On search of applicant, 1.500 kilograms of contraband ganja kept in a plastic polythene bag was recovered from his possession. Contraband ganja was seized from his possession in compliance with due procedure. Applicant was arrested on spot. He is in custody ever since. On such allegations, PS Deepnakheda registered FIR at Crime No.114 of 2024 for the offence punishable under Section 8/20 of NDPS Act. Statements of the witnesses were recorded. Investigation is underway.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in the matter. No criminal antecedent is reported against the

applicant. Applicant is aged around 66 years. He is agriculturist by profession. He has family to look after. There is no likelihood of his absconsion leaving his family, home and profession. There is no likelihood of tampering with evidence by the applicant. Jail incarceration is causing hardship to the family of the applicant. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.

Per contra, learned counsel for the State opposes the bail application and prays for its rejection.

Heard learned counsel for the parties and perused the case diary.

Considering the arguments advanced by both the parties and overall circumstances of the case, in view of old-age of the applicant, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant- **Prakash Singh** shall be released on bail in connection with Crime No.114 of 2024 registered at PS Deepnakheda, District Vidisha (M.P.) for the offence punishable under Section 8/20 of NDPS Act, upon furnishing a personal bond in the sum of **Rs.1,00,000/-(Rupees one lac only) with one solvent surety of the same amount** to the satisfaction of the Trial Court, for compliance with the following conditions,:

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(2) Applicant shall not commit or get involved in any offence of similar nature;

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in

attendance;

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

**(SANJEEV S. KALGAONKAR)
JUDGE**

MKB