

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

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 2<sup>nd</sup> OF JULY, 2024**

**MISC. CRIMINAL CASE No. 25174 of 2024**

*(MAHENDRA AND OTHERS*

*Vs*

*THE STATE OF MADHYA PRADESH)*

**Appearance:**

*(SHRI SACHIN PARMAR- ADVOCATE FOR THE APPLICANT)*

*(MS. HARSHLATA SONI- P.L./G.A FOR THE STATE)*

**ORDER**

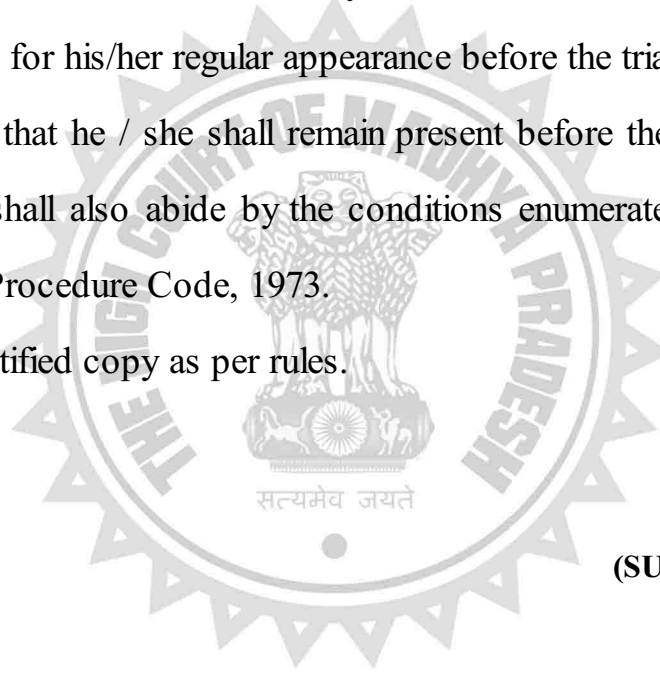
1. They are heard. Perused the case diary/challan papers.
2. This is the **first** application filed by the applications under Section 439 of Criminal Procedure Code, 1973, as they are implicated in connection with Crime No.108/2024 registered at Police Station Nai Abadi, District Mandsaur (MP) for offence punishable under Section Section 8/18 and 29 of the N.D.P.S. Act. The applicants are in custody since 06.06.2024.
3. Counsel for the applicant seeks to withdraw the application on behalf of applicant No.1, Mahendra. The same is hereby ***dismissed as withdrawn.***
4. So far as applicant No.2 Pravin is concerned, counsel for the applicant has submitted that he is arraigned on the basis of the memo recorded under Section 27 of the Evidence Act only as it is alleged that the contraband, i.e., 900 grams of opium was seized from the possession of the applicant No.1 Mahendra, which was provided by Pravin, the applicant No.2, however, no other material is available on record to connect the applicant No.2 with the offence.
5. Counsel for the respondent / State, on the other hand has opposed the prayer, however, it is not denied that there is no other material available on

record to connect the applicant No.2 with the offence.

6. Having considered the rival submissions, on perusal of the case diary and taking note of the fact that apart from the memo recorded under Section 27 of the Evidence Act, no other material is available on record to connect the applicant No.2 with the offence.

7. Accordingly, without commenting on the merits of the case, the application is **partly allowed**. The applicant No.2 is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.50,000/-** (rupees fifty thousand) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

Certified copy as per rules.



**(SUBODH ABHYANKAR)**  
**JUDGE**

Bahar