

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 21st OF MARCH, 2023

MISC. CRIMINAL CASE No. 11790 of 2023

BETWEEN:-

**MANOHARLAL S/O MOHANLAL NAGDA, AGED
ABOUT 48 YEARS, OCCUPATION: AGRICULTURIST
VILLAGE KANAKHEDA, TEHSIL AND DISTRICT
NEEMUCH (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI HIMANSHU THAKUR, - ADVOCATE)

AND

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

.....RESPONDENTS

(BY SHRI KAPIL MAHANT PL)

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

ORDER

This is first application under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in connection with Crime No. 31/2023 registered at P.S. - Malhargarh, District – Mandsaur for commission of offence punishable u/S 8 /18, 29 of NDPS A\ct.

As per prosecution story, on 15/02/2023, the police received secret information from the informer regarding illegal transportation of contraband. Acting upon the said information, the police reached the spot

and intercepted a vehicle bearing registration no. MP-44-MU-0586 and recovered 1 kg 450 grams opium from the possession of co-accused Ramchandra and on the basis of his statement, present applicant has been implicated in the instant case.

Learned counsel for the applicant contended that the applicant is an innocent and has been falsely implicated in this case on the basis of memo given by the co-accused, but nothing has been recovered from his possession. He is permanent resident of District – Mandsaur and sole bread earner in his family. Under these circumstances, he prays that present applicant is entitled for grant of anticipatory bail.

Per-contra, learned PL has opposed the application and prays for its rejection.

Perused the case diary as well as impugned order passed by the trial Court.

Considering all the facts and circumstances of the case, the nature of allegation and taking note of the fact that 1 kg 450 opium has been recovered from the possession of the co-accused, in view of evidence available on record, this Court is not inclined to grant anticipatory bail to the applicant.

Accordingly, this first anticipatory bail application filed under section 438 of Cr.P.C by the applicant has no force and is hereby **dismissed**.

Certified copy, as per rules.

(ANIL VERMA)
J U D G E

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