

Mohd. Talib vs The State Of Madhya Pradesh on 24 August, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:42275

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 24th OF AUGUST, 2024
MISC. CRIMINAL CASE No. 33794 of 2024
MOHD. TALIB
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Shailendra Singh - Advocate for the applicant.
Shri Y.D. Yadav - Government Advocate for the respondent/S

ORDER

This is the first application filed by the applicant under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking anticipatory bail in connection with FIR/Crime No.385/2024 dated 03.06.2024 registered at Police Station Budhar, District Shahdol for the offence punishable under Section 8, 21 and 21(C) of NDPS Act and Section 5/13 of M.P. Drug Control Act.

2. Learned counsel for the applicant contends that the present applicant has been falsely implicated in the present case. It is contended by the counsel that the implication of the present applicant is based on the memorandum of the co-accused. It is further contended by the counsel that there is seizure of 26 bottles of codeine phosphate from the possession of present applicant. It is also contended by the counsel that the applicant is already out of limits of District on account of an order of externment, therefore apparently the case is concocted inasmuch as no case under Section 14 of M.P. Rajya Suraksha NEUTRAL CITATION NO. 2024:MPHC-JBP:42275 2 MCRC-33794-2024 Adhiniyam, 1990 has been registered against the applicant. So far as the previous cases are concerned, apart from the case in hand, in past, the present applicant was never prosecuted in any of the offences under the provisions of NDPS Act. No custodial interrogation is required in this matter. There is no probability of his absconding or tampering with the evidence of prosecution. Therefore, prays for grant of anticipatory bail to the applicant.

3. Learned counsel for the State has opposed the application and submitted that there are criminal record of 14 cases against the present applicant. It is contended by the counsel that from 2018 to

2024 the present applicant was involved in various activities, therefore, taking into consideration the quantity of seized article as well as criminal antecedents of present applicant, the present application deserves to be dismissed.

4. Heard the rival submissions and perused the case diary.

5. Considering the totality of the circumstances of the case and the fact that previously no case was registered against the applicant under the provisions of NDPS Act and the applicant is already out of the limits of District on account of an order of externment, this Court deems it appropriate to enlarge the applicant on anticipatory bail, therefore, without commenting on the merit of the case, the application is allowed.

6. It is directed that in the event of arrest, applicant-Mohd. Talib shall be enlarged on bail on furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the Arresting Officer for his appearance before him during the NEUTRAL CITATION NO. 2024:MPHC-JBP:42275 3 MCRC-33794-2024 course of investigation or before the trial Court concerned during trial, as the case may be.

7. It is further directed that the applicant shall abide by all the conditions as enumerated under Section 482(2) of the BNSS.

(MANINDER S. BHATTI) JUDGE sp