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

**BEFORE  
HON'BLE SHRI JUSTICE ANAND PATHAK  
ON THE 9<sup>th</sup> OF JANUARY, 2023**

**MISC. CRIMINAL CASE No. 50980 of 2022**

**BETWEEN:-**

**SUNEEL PRATAP SINGH S/O SHRI CHINNU SINGH,  
AGED ABOUT 27 YEARS, OCCUPATION: SHRI CHINNU  
SINGH VILLAGE PAPREDA POLICE STATION CHILLA  
BANDA (UTTAR PRADESH)**

**.....APPLICANT**

***(BY SHRI CHOUDHARY MAYANK SINGH - ADVOCATE)***

**AND**

**NARCOTICS CONTROLE BUREAU INDORE DISTRICT  
INDORE (MADHYA PRADESH)**

**.....RESPONDENT**

***(BY SHRI DEVESH BHOJNE - ADVOCATE FOR N.C.B.)***

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

**ORDER**

The applicant has filed this FIRST bail application u/S 439 Cr.P.C. for grant of bail. Applicant has been arrested on 12.5.2022, by Police Station NCB, District Indore, in connection with Crime No.05/2022, for the offence punishable under Sections 8/20, 25, 27 and 29 of the NDPS Act, 1985.

It is the submission of learned counsel for applicant that the applicant is suffering confinement since 12.5.2022 and according to him incomplete charge-sheet has been filed. Therefore, in sum and substance the applicant prays for bail on the ground contained under section 167(2) Cr.P.C. and sought default bail. It is also the submission of learned counsel for the applicant that the

charge-sheet has not been filed yet and therefore he is entitled for default bail. He relied upon the judgment of a co-ordinate bench of this court in the case of *Manish Gandhi v. State of Madhya Pradesh* reported in *ILR MP 2017(4) SN 157*.

As per the allegations, the applicant was found with 58 kgs. of "Ganja".

Learned counsel for the respondent-State opposes the prayer and submits that the charge-sheet against the present applicant has already been filed and the co-accused who are absconding are to be arrested and therefore investigation against those persons is kept open. So far as the present applicant is concerned, the investigation is complete and charge-sheet has already been filed. He bears criminal record of one more case for offences under Sections 419, 420, 468 and 471 IPC and 66C of the Information Technology Act registered at Police Station Kotwali, district Banda (U.P.). The applicant is a part of inter-State gang dealing in NDPS Act. He therefore prays that looking to the quantity of drug seized, his bail application be rejected.

Heard learned counsels for the parties at length and perused the case diary.

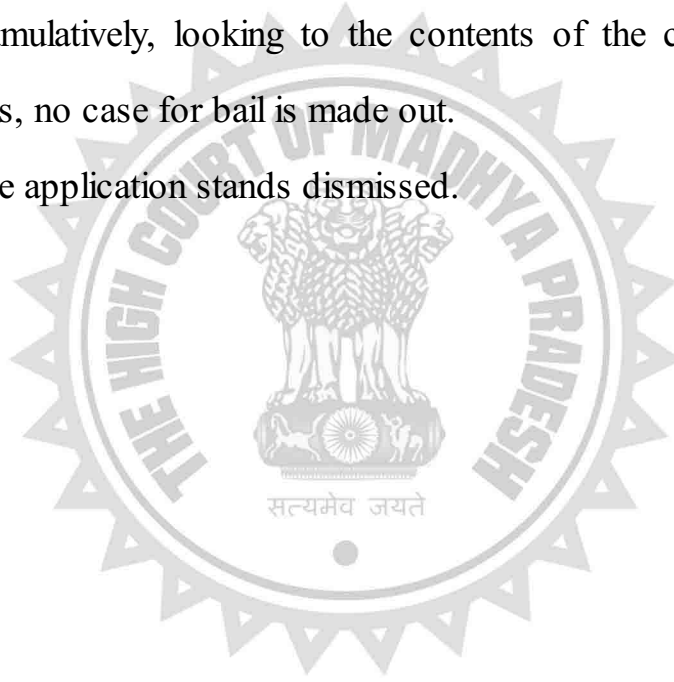
This is a case where the applicant is mainly seeking default bail under Section 167(2) of Cr.P.C. On perusal of the case diary it appears that charge-sheet against the present applicant has already been filed. Further investigation in respect of other accused persons, who are absconding, is going on and not against the present applicant. Therefore, no case for default bail is made out *qua* the present applicant. In total, 58 kgs. of "Ganja" was seized from the possession of applicant and other accused persons and it was an inter-State transportation. Looking to the wider ramifications of the crime, no leniency can

be shown against such accused persons. They also bear criminal record of one case. The judgment relied upon by the applicant is of no help because it moves in different factual realm. In that case, charge-sheet was not filed. In the present case, call detail records (CDR), SDR and CAF between applicant Suneel Pratap Singh and absconding accused Pappu Singh, resident of East Godawari, Andhra Pradesh, are to be requisitioned and that fact has been mentioned in the charge-sheet by the respondent-State. Requisition of documents does not amount to incomplete charge-sheet. They can be filed at some later stage of trial also.

Cumulatively, looking to the contents of the case diary and nature of allegations, no case for bail is made out.

The application stands dismissed.

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**(ANAND PATHAK)**  
**JUDGE**