



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA

ON THE 29th OF JUNE, 2026

MISC. CRIMINAL CASE No. 22072 of 2026

ABHAY AGNIHOTARI

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

*Shri Om Shankar Pandey - Advocate with Ms. Anchan Pandey -
Advocate for the applicant.*

Shri Ravindra Shukla - Dy. G.A. for the respondent/State.
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ORDER

This is the *third* application filed by the applicant under Section 483 of *Bharatiya Nagarik Suraksha Sanhita*, 2023/ 439 of Code of Criminal Procedure for grant of regular bail relating to FIR/Crime No.371 of 2025 registered at Police Station - Manjholi, District - Sidhi (M.P.) for the offence punishable under Sections 8, 20 and 21 of NDPS Act. The applicant is in custody since 08.07.2025. Applicant's first and second bail applications were dismissed as withdrawn vide order dated 03.11.2025 and 16.04.2026 passed in M.Cr.C. No.47654/2025 and M.Cr.C. No.15954/2026, respectively.

2. Learned counsel for the applicant has submitted that the applicant was not arrested from the spot and his identity was disclosed by the co-accused persons. Actually, the applicant was not present on the spot and has falsely been implicated in the case. There is no evidence except the



memorandum of the co-accused persons and the ganja has not been recovered from the possession of this applicant. The applicant is also not the owner of the vehicle.

3. Learned counsel for the applicant relying on the neutral citation of this Court i.e., *2025 MPHC- JBP:59063, Shani Diwan @ Panika Vs. The State of Madhya Pradesh* has submitted that on the parity also, the applicant is entitled to be enlarged on bail. Trial will take time to be concluded, hence, the applicant be enlarged on bail.

4. Learned counsel for the State has opposed the bail application and has submitted that no case of bail is made out and the applicant is not entitled to be enlarged on bail.

5. Heard the parties and perused the case diary.

6. Looking to the factual aspects, coupled with the fact that from the possession of this applicant, nothing has been recovered and the applicant was not found on the spot, only on the basis of the memorandum of the co-accused and disclosure that cannot be used as evidence, this applicant was arrested, this Court deems it appropriate to allow the application. Thus, without commenting anything on the merits of the case, the application is **allowed**.

7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during pendency of



trial.

8. It is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

9. Accordingly, Misc. Criminal Case stands disposed of.

Certified copy as per rules.

(DEVNARAYAN MISHRA)
JUDGE

AT