

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4426 of 2015**

Beerbal Sidar, son of Hemlal Sidar, aged about 45 years,
resident of Village-Timarlaga, Police Station -Sarangarh,
District – Raigarh (C.G.)

....Applicant**Versus**

State Of Chhattisgarh Through the Station House Officer,
Police Station-Sarangarh, District Raigarh (C.G.)

---- Non-applicant

For Applicant: Ms. Sharmila Singhai , Advocate.
For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.171/2015 registered at Police Station Sarangarh, District Raigarh for the offences punishable under Sections 4(b) & 5 of Explosive Substances Act, 1908.

(2) Case of the prosecution, in brief, is that applicant is found in possession of one detonator and four packet gun powder and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has not committed any offence and he has been falsely implicated in the

offence in question as the packets were sent for chemical examination, in which ammonium nitrate was found to be present, is not seized from the possession of the applicant and, as such, he is in jail since 22.04.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(3) On the other hand, counsel for the State submits that the packets seized from the possession of applicant were sent for chemical examination, in which ammonium nitrate as well as black gun powder was found which is offence punishable under Sections 4(b) & 5 of the Explosive Substances Act, 1908 and, therefore, the applicant is not entitled to be released on bail.

(4) I have heard counsel for the parties and perused the case diary with utmost circumspection.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence and the recovery of explosive material, in which, presence of ammonium nitrate is confirmed by Chemical Analyst Report, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-