

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3995 OF 2015**

Damodar Nishad S/o Shri Punitram Nishad, aged about 22 years, Occupation Mechanic/ Labour, R/o Village Chantipali, Police Station and Tahsil Baramkela, District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through the officer in Charge of Police Station Sarangarh, District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Roop Naik, Advocate.
For-Non-applicant	:	Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 172/2015, registered at Police Station Sarangarh, District Raigarh (C.G.), for the offence punishable under Sections 4(b) & 5 of Explosive Substances Act, 1980.

2. Case of the prosecution, in brief, is that, applicant was found in possession of nine bundles Explosive Thread, one Detonator and 1 kg. Explosive Substance and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant was working in the Motor Garage of co-accused Rajesh Patel and he was running Crusher Plant. He would further submit that applicant is not owner of the Explosive Substance and as such, he has been falsely implicated in offence

in question and he is not responsible for such offence. He would lastly submit that charge sheet has been filed and applicant is in jail since 22/04/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that seized Explosive Substance was sent for its chemical examination to Forensic Science Laboratory in which it is reported to be Explosive Substance contained black gun powder and safety fuse and upon its explosion, life of person was likely to be endangered, as such, applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; recovery of 1 kg. Explosive Substance along with safety fuse, which is apparent from the Forensic Science Laboratory report and which was sufficient to endanger human life, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE