

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4169 of 2015**

Montu @ Devendra Vishwakarma, S/o Rajesh Vishwakarma, Aged About 22 Years R/o Buddh Vihar Chowk, Shankar Nagar, P.S. Mohan Nagar, Durg, District Durg (CG)

---- Applicant**Versus**

State Of Chhattisgarh Through : The Station House Officer, Police Station Mohan Nagar, Durg (CG)

---- Non-applicant

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For-Non-applicant	:	Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/08/2015**

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.134/2015, registered at Police Station-Mohan Nagar, Distt.Durg (CG), for the offence punishable under Section 21(B) of the N.D.P.S. Act.

2. Case of the prosecution, in brief, is that the applicant was found in possession of 18.50 grams of heroin without any valid authority of law and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in crime in question. He would further submit that there are serious discrepancies in between seized heroin alleged to have sent for chemical analysis to Forensic

Science Laboratory and report received from the said laboratory and as such, the alleged seized material was not sent for chemical analysis. He would also submit that the applicant is in jail since 19.3.2015 and the charge-sheet has already been filed, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel would oppose the bail application.

5. I have 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 and recovery of huge quantity of heroin i.e. Narcotic Drugs from the possession of the present applicant, 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

B/-