

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1026 of 2016**

Jems Kujur, S/o Jwakim Kujur, aged about 27 years, R/o Village Kotpali, Police Station – Balrampur, District Balrampur – Ramnujganj (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through Police Station Balrampur, District Balrampur – Ramanujganj (C.G.)

-----Non-applicant

For Applicant: Mr. A.K. Yadav, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/03/2016**

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 Balrampur, District Balrampur - Ramanujganj for the offences punishable under Sections 25 & 27 of the Arms Act & Sections 4 & 5 of the Explosive Substance Act.

(2) Case of the prosecution, in brief, is that applicant was found in possession of 50 gms. gun powder and 5 gms potassium chloride (Potash) without authority of law for preparation of explosive substance under suspicion circumstances and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that applicant has been falsely implicated in the offence in question as no explosive substance was found in his possession; the applicant is in jail since 11.12.2015; charge sheet has been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) Per contra, counsel for the State opposes the bail application and submits that gun powder and potassium chloride (Potash), which were used of preparation of explosive substance, were recovered from the possession of the applicant and, therefore, he 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 & circumstances of the case; role of the present applicant in the offence in question; his detention period and the fact that charge sheet has already been filed and no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Jems Kujur** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

