

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5876 of 2017

- Rajendra Kumar S/o Prakash Nishad, Aged About 26 Years, R/o Paragaon, Police Station Gobra Nawapara, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant – Shri P.P. Sahu, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

09-10-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.136/2017 on 12-07-2017 by P.S. Rajim, Civil District Raipur, C.G. for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'). After investigation police had filed the charge sheet, which is presently pending before the Special Judge under the NDPS Act Raipur, C.G. as Special Criminal Case (NDPS) No.219/17. Learned counsel for the applicant would further submit that the applicant is aged about 26 years, he is the first offender, he will not commit any offence in future. The charge sheet has been filed. Trial may take some time and as per the allegation 2 kg. ganja has been seized from the applicant. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no criminal antecedent of the applicant.
4. Perused the entire material.

5. As the applicant is in custody since 2 months and 28 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender, he is aged about 26 years, he is permanent resident of District Raipur, C.G., after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of the like sum to the satisfaction of the trial Judge for his appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that till conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Rajim, District Gariyaband, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Additional Registrar (Judicial) is directed to send a copy of this order to

the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge