

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6591 of 2017

Lokesh Amesar Son Of Ramesh Kumar Amesar (Wrongly Mentioned As Ames), Aged About 22 Years, R/o Gaya Nagar, Near Devangan Dharam Shala, Police Station Drug, District Durg Chhattisgarh (It Being Made Clear That In The Head (Abhilang) The Title Of The Case Has Been Mentioned As State Vs. Trilok Nirmalkar, Which Is The Original Case In Which The Head Of The Case Has Been Shown In The Name Of Main Accused),

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.393 of 2017 registered at Police Station- Mohan Nagar, District Durg (C.G.) for the alleged commission of offence under Section 21 (B) of the NDPS Act.
2. Case of the prosecution, in brief, is that the applicant is involved in sale of narcotics (brown-sugar).
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case without there being any legally admissible evidence against him. He would submit that narcotics (brown-sugar) was seized from the possession of co-accused Rupesh and not from the possession

of present applicant and the applicant is involved only on the basis of memorandum statement of Rupesh which is not admissible in the evidence. Except this, it is submitted, there is no other evidence in the charge sheet, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that the brown sugar was found in possession of co-accused, who disclosed the name of the applicant having been involved with him in the commission of offence, therefore, the applicant may not be released on bail.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that except in the memorandum of recovery of co-accused, there is no incriminating evidence against the applicant in the charge sheet and further considering that the investigation is complete, charge sheet has been filed, the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
7. The bail granted to the applicant would be liable to be cancelled if the applicant is found to be involved in similar offence in future.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge