

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 943 of 2017

1. Chatrapal Singh, S/o. Dharam Singh Thakur, Aged About 45 Years, R/o. Village Gurwine Dabri, Police Station -Lalpur, District- Mungeli, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station Lalpur, District -Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K. Pali, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/02/2017

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.130/2016, registered at Police Station – Lalpur, District – Mungeli (C.G.) for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on 28.07.2016 an information was received that the applicant along with other co-accused were travelling on a motor cycle carrying with contraband Cannabis, upon which, their motor cycle was intercepted and when a search was made total 8.500 kgs. of Cannabis was recovered from five accused persons.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no seizure was made in person from the present applicant and other co-accused from whom

the small quantity has been recovered has been enlarged on bail in M.Cr.C. No.6987/2016 vide order dated 09.11.2016 and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the fact that no seizure was made in person from the present applicant. Taking into such fact that seizure was not made in person from the present applicant, charge-sheet has been filed and other co-accused from whom the seizure was made has already been enlarged on bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge