

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1282 of 2017

Ashish Godwani, S/o. M.R. Godwani, Aged About 21 Years, R/o. Sindhi Colony, Near Gurudwara, Police Station- Mohan Nagar Durg, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Mohan Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.S.Patel, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.03.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.534/2016 registered at Police Station- Mohan Nagar, District Durg (C.G.) for the offence punishable under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985.
2. As per the prosecution case, on a raid being conducted on 24.10.2016 from the possession of the applicant along-with other co-accused total 10.580 gram of Brown Sugar was seized and from the present applicant 2.930 gram was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the seizure amounts to small quantity. He further submits that the similarly placed co-accused Faijan Kureshi @ Faiji has been enlarged on bail by this Court on

23.01.2017 in MCRC No.8554 of 2016, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that from the possession of the present applicant only 2.930 gram of Brown Sugar was seized and also the similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that from the possession of the present applicant, only 2.930 gram of Brown Sugar was recovered, which appears to be small quantity and further considering the fact that the similarly placed co-accused has already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge