

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 2138 of 2017

- Madan @ Pradeep Gain S/o Late Shri Punya Charan Aged About 34 Years (Wrongly Mentioned Pushpchandra) , Subhash Nagar Ambikapur, Thana- Gandhinagar , Civil & Revenue District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District- Surguja, Chhattisgarh.

---- Respondent

For the applicant : Shri Sunil Sahu, Advocate

For the Respondent/State : Shri U.K.S. Chandel PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20.11.2017

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. 319/2016, registered at Police Station – Gandhinagar, District – Surguja (C.G), for the offence under Section 22- b of NDPS Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since

08.12.2017. Applicant was employed as Salesman in a medical shop and as per direction of the owner of said medical shop, when he was going to deliver the drugs to another medical shop, he was arrested by the police in between. It is submitted that trial has already been commenced and the independent witness in this case have turned hostile and not supported the prosecution case. Applicant is permanent resident of District - Surguja and there is no possibility of his fleeing from justice. He is ready to abide by the conditions which may be imposed upon him while granting bail, hence, the applicant prays for grant of bail.

3. Learned counsel for the State opposes the bail application and submissions made.
4. Heard counsel for both the parties and perused the case diary.
5. Total 573 ampoules of Rexojestic Injections containing the Buprenorphine drug were seized from the possession of the applicant. Total quantity of the prohibited drugs was 3.8 gm which is less than commercial quantity.
6. Considering the submissions made and contents of the case diary and further considering the fact that the applicant is in jail since 08.12.2016, he is a local resident, his availability before the trial Court can be ensured, he is ready to abide by the conditions imposed upon him, this Court is of the opinion that this is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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.

8. Certified copy as per rules.

Sd /-
(Rajendra Chandra Singh Samant)
Judge

Jamal