

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3528 of 2017**

Bablu Kumar Sahu, S/o. Ram Kuamar Sahu, Aged About 18 Years, R/o. Budapara Thakur Dev Chowk, Lavan, Thana- Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

**----Applicant**

**Versus**

State Of Chhattisgarh, Through : The Police Station -Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Deepak Jain, Advocate       |
| For Respondent/State | : Mr. Sumit Jhanwar, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**30/10/2017**

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 on 03.11.2016, in connection with Crime No.445/2016, registered at Police Station – Kasdol, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 20 (b) of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case, he is in jail since 03.11.2016. It is also submitted that co-accused persons – Dhani Ram and Krishna Kumar have been benefited with grant of bail by this Court in M.Cr.C. No.148/2017 and 7852/2016 and the trial of the case against the applicant has progressed and so far 10 witnesses have

been examined. It is submitted all the witnesses have been turned hostile in this case, hence for these reasons, the applicant is entitled to be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is one of the important chain of the smuggling of contraband from State of Orrisa to State of Chhattisgarh. Total 10 kg. of contraband – Ganja has been recovered from his possession, hence he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On 03.11.2016, the motor cycle bearing No.C.G.22A-7233 was intercepted by the police officer of Police Station – Kashdol on search bags in his possession were seized and 10 kg of narcotics substance was recovered from him and thereafter, the case was registered, investigated and charge-sheet has been filed.
6. Considering on the submissions made and the contents of the case diary, looking to the fact that co-accused in this case has been enlarged on bail by this Court and that applicant does not have any criminal antecedents and also that he is resident of District – Baloda Bazar – Bhatapara, whose availability for trial shall not be compromised if he is released on bail and keeping him in custody till the disposal of trial would not serve any purpose, 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 each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram