

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4084 of 2017**

- Murlidhar Naik S/o Ladu Naik, Aged About 62 Years, R/o Purana Bazar, Dallirajhara, Thana- Rajhara, District- Balod, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Daundi, District- Balod, Chhattisgarh

---- Non-applicant

For Applicant : Shri Sanjeev Kumar Sahu, Advocate
 For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/11/2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 19-03-2017 in connection with Crime No.13/2017 registered at P.S. Daundi, District- Balod, C.G. for the offence Section 8 / 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act').
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 19-03-2017. The case is before the trial Court and the independent witnesses of search and seizure have been examined who have turned hostile. Copy of the deposition of the witnesses examined is produced along with the application. Co-accused in this case Premmani Khora has been granted bail by coordinate Bench of this Court, the applicant has similar case, hence, the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that as per the case against the applicant, on information received, police personnel of P.S. Daundi reached the spot where the applicant was sitting carrying a bag containing 3.721 Kg. Ganja and he intended to sell. After search and seizure the case has been registered against him. Therefore, the applicant is not entitled for grant of regular bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Facts of the case have been mentioned hereinabove. Copy of the statement of the witnesses recorded before the trial Court is perused.

6. Taking into consideration hostility of the independent witnesses and the release of co-accused on bail by the order passed by the coordinate Bench of this Court, I am of this view that this is a fit case for grant of bail to the applicant.

6. Consequently, the application (MCRC No.4084/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge