

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6034 of 2017**

Prabhunarayan, S/o. Late Rambaran Sahu, Aged About 60 Years,
Occupation-Agriculture, Village -Kanchanpur, Tahsil -Baikunthpur, District
-Koria, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Baikunthpur,
District- Koria, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate
For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/11/2017**

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.200/2017, registered at Police Station – Baikunthpur, District – Koria (C.G.) for the offence punishable under Section 20-B of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. The so called contraband was

seized from the house of the applicant, which is shared by other members of the family of the applicant, hence on this basis, the seizure can not be said to have been made from the sole possession of the applicant. Applicant is in jail since 18.07.2017, charge-sheet has been filed, trial is yet to commence and there is likelihood of delay in conclusion of trial, for this reason, it is prayed that the applicant be enlarged 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 offence committed by the applicant has an impact on the society, for this reason, 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 search made by the police, 1.7 Kg. of contraband – Ganja was recovered from the house of the applicant, which has been seized and thereafter, case has been registered, investigated and charge-sheet has been filed. As per the quantity of the contraband seized, the case against the applicant is of having in possession less than commercial quantity of narcotics substance, applicant is local resident of District Korla, his availability for trial shall not be compromised, if he is released on bail. Taking into consideration these factors, it appears that no purpose would be served, if the, applicant is kept in detention for the whole period of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

7. 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram