

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6227 of 2017

1. Jai Prakash Kurre & Anr. S/o Kamal, Aged About 28 Years R/o Village Lavan, Out Post Lavan, P.S. Kasdol, District Balodabazaar-Bhatapara, Chhattisgarh
2. Rampal Devdas S/o Dhaniram Devdas, Aged About 36 Years R/o Village Koliha, Out Post Lavan, P.S. Kasdol, District Balodabazaar-Bhatapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Balodabazaar, District Balodabazaar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amiyakant Tiwari, Advocate.
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/11/2017

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. 376/2017, registered at Police Station- City Kotwali, District – Baloda Bazar(C.G.) for the offence punishable under Section 20(1)-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').
2. At the outset, counsel for applicants submits that due to inadvertence he has filed the application on behalf of applicant No.2 also and therefore he be permitted to withdraw the same. Consequently, this bail application so far as it relates to applicant No.2, is dismissed as

withdrawn.

3. Learned counsel for the applicant submits that applicant No.1 is innocent and has been falsely implicated in this case. He is in jail since 11.09.2017. Applicant No.2 was riding the motorcycle on which applicant No.1 was travelling as pillion rider. Said motorcycle was searched and 1.5 kg ganja was allegedly seized from the joint possession of applicants. Applicant No.1 is the local resident and he is ready to abide by any conditions that may be imposed by the Court while granting bail to him. Hence, prayed that applicant No.1 be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Heard both the parties and perused the case diary.
6. As per the prosecution case, on receipt of secret information, the police of police station City Kotwali, Baloda Bazar intercepted and searched the motorcycle bearing registration No. CG04-ZD-5763 which was being driven by co-accused and present applicant was sitting on the back seat of it. On search, 1.5. kg ganja was found kept in polythene packets in the dickey of that motorcycle. After completing the procedure on the spot, case was registered against the applicant and others and the charge-sheet has been filed after completion of investigation.
7. Considering the submissions and contents of the case diary, and also looking to this fact that the applicant is the local resident of the locality whose availability before the trial Court shall not be compromised if he is enlarged on bail, this Court is of the opinion that present is a fit case where the applicant should be enlarged on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is

allowed. It is directed that applicant Jai Prakash Kurre 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha