

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6794 of 2017

- Ghanshyam Agrawal S/o Late Shri Maniklal Agrawal, Aged About 49 Years, Caste Agrawal, Occupation Business, R/o Police Station S. Lohara, District Kabirdham Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh Through Excise Circle S. Lohara, District Kabirdham Chhattisgarh

---- Non-applicant

For Applicant – Shri P.P. Sahu, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-12-2017

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 20-08-2017 in connection with Crime/Excise Case No.26/2017 registered by Excise Circle S. Lohara, District Kabirdham, C.G. for the offence under Section 20(B)(2)(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. The case has been investigated and charge sheet has been filed. On the basis of the documents on record of the prosecution case no case is made out against the applicant. The applicant is local resident, he is ready to abide by all the conditions imposed on grant of bail. Trial of the case is likely to take some time for its conclusion. Hence, it is prayed that the applicant may be granted

regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made and submits that 2.8 kg. Ganja has been recovered from the personal possession of the applicant, hence the offence alleged is of serious nature, and further submits that the applicant has history of having a proceeding against him of preventive nature. Therefore, he is not entitled for grant of regular bail.

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

5. Facts of the case are these that house of the applicant was searched and 2.8 kg. Ganja, narcotic substance, was recovered from possession of the applicant, on the basis of this recovery the case has been registered against him.

6. Considering the submissions made and the contents of the case diary, as it appears that the applicant is local resident, his presence before the trial Court can be ensured by imposing condition for grant of bail and trial of the case is likely to take some time, only for this reason, the application (MCRC No.6794/2017) 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge