

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6800 of 2017**

Lavkush Kumar S/o Shri Bani Singh Aged About 22 Years R/o Shiwala Kalan, Thana Khair, District Aligarh Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Nagarnar, District Bastar Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Alok Kumar Dewangan, Advocate.
For the Respondent/State	:	Shri Arvind Kumar Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.12.2017**

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. 21 of 2016, registered at Police Station Nagarnar, District Bastar, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 08.02.2016 and the applicant has been falsely implicated in this case. The co-accused in this case has been granted bail by the Co-ordinate Bench of this Court and the applicant also has a similar case. Hence, 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 submissions made in this respect. It is submitted that the applicant was found in possession of 2.5 kg of ganja (narcotic substance) and the offence is grave in nature. Hence, the applicant is not entitled for grant of bail.

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

5. The facts of the case are that on the date of incident the applicant was travelling in a bus alongwith three co-accused persons. The police personnel of P.S. Nagarnar stopped the bus and searched the applicant and others. The applicant was found in possession of 2.5 kg of ganja (narcotic substance) and other co-accused persons were also found in possession of ganja in different bags, on the basis of which, FIR was lodged and the case has been registered against the applicant.

6. Considering the submissions and the contents of the case-diary and taking into consideration the fact that the applicant is in jail since 8.12.2016, the co-accused persons have been benefited with grant of bail, the case against the applicant is similar in nature regarding the quantity of contraband seized, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum

to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi