

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7262 of 2017

- Rampal Devdas S/o Dhaniram, R/o Village Koliha, O. P. Lavan, Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

---- Non-applicant

For Applicant – Shri Amiyakant Tiwari, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2017

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 grant of regular bail. The applicant was arrested on 10-09-2017 in connection with Crime No.376/2017 registered at P.S. City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara, C.G. for the offence under Section 20(1)-B of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act').

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Co-accused in this case has been granted bail by this Court. The applicant also has similar case, hence, on the ground of parity and for the reason that he is in detention since 10-09-2017, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made and submits that the offence against

the applicant is of serious nature, hence, he may not be enlarged on bail.

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

5. As per the facts of the case, on the date of incident two persons traveling on a motorcycle were intercepted by police personnel of P.S. City Kotwali, Baloda Bazar and on search 1.5 kg. narcotic substance was found in the dickey of the motorcycle. The article was seized from the possession of co-accused Jai Prakash, whereas the motorcycle was seized from the possession of the applicant.

6. Considered on the submissions made and contents of the case diary. Taking into consideration this fact that the co-accused has been granted bail and also the material against the applicant in the case against him, I am of this view that this is a fit case where the applicant should be granted regular bail.

7. Consequently, the application (MCRC No.7262/2017) 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge