

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 373 of 2017

1. Krishnakant Sharma @ Chhotu, S/o. Baldau Prasad Sharma, aged 19 years, R/o. Shyam Nagar Polsai Para, Tehsil and District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Mohan Nagar, Durg, District – Durg (C.G.)

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

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.534/2016, registered at Police Station – Mohan Nagar, District – Durg (C.G.) for the offence punishable under Section 21 (B) of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on a raid being conducted on 24.10.2016 from the possession of the applicant along-with other co-accused total 10.580 gram of Brown Sugar was seized and from the present applicant 1.8 gram was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the seizure amounts to small quantity. He further submits that the offence is triable by the Magistrate First Class and the charge-sheet has been filed. It is further submitted

that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. No.8554/2016 vide order dated 23.01.2017, therefore, the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and further considering the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. No.8554/2016 vide order dated 23.01.2017, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge