

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 304 of 2018

- Prashant Kumar Padhi S/o S/o Surendra Padhi, Aged About 25 Years Caste - Brahman, R/o Village Barampur, Shriram Nagar, Post Office And Police Station Bada Bazar, District Ganjam Odisha, Orissa.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Podi, District Koriya Chhattisgarh , Chhattisgarh

---- Respondent

For the applicant : Shri Shivendu Pandya,
Advocate

For the Respondent/State : Shri Wasim Miyan, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05.02.2018

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. 180/2015, registered at Police Station – Podi, District – Koriya, (C.G), for the offence under Section 20 B of Narcotic Drugs and Psychotropic Substances Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The applicant is in jail since 07.12.2015, more than two years have passed but the trial is not yet completed. The applicant is ready to abide by the conditions which may be imposed upon him while granting bail, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that quantity of contraband is huge and this applicant is resident of another State of Odisha, if he is granted bail his appearance before the trial Court would be affected and that will affect the trial, hence, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident when the present applicant was traveling in a bus, the police personnel searched him and they seized 11.712 kg ganja kept in a bag from his possession, and the case has been registered against him.
6. Considered. As the trial in this case is till pending and the trial is likely to take some more time for its conclusion, the applicant is in jail since more than two years, hence, looking to the facts and circumstance of this case, this Court is of the opinion that this is a fit case where the applicant should be released on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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