

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 94 of 2018**

Ajay Kumar Verma S/o Chhedu Ram Verma, Aged About 28 Years R/o Village Lavan, Thana Kasdol, District Balodabazar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.03.2018**

Heard.

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.6 of 2017, registered at Police Station – Tumgaon, District - Mahasamund, 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 26.5.2017 and he has been falsely implicated in this case. The seizure of the contraband has not been made from this applicant, hence, no case is made out against him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that when the applicant was chased by the police personnel of P.S. Tumgaon the applicant left his motorcycle and other things and ran away. Hence, the seizure made in this case is directly concerned with this applicant. It is also submitted that the applicant has a criminal history of the prosecution under the provisions of NDPS Act in the year 2012. 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, at the time of patrolling the police personnel of P.S. Tumgaon saw a person travelling on motorcycle with a bag. On signaling him to stop, he tried to make his escape and when he was chased he left his motorcycle and the bag on the spot and ran away. The bag left by him was searched, 9 packets of ganja (narcotic substance) was found and the seizure was made accordingly. The applicant was traced on the basis of the registration of the motorcycle and was arrested in this case.

6. Considering the facts in this case and that this applicant is a local resident of District Baloda Bazar, there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi