

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 455 of 2018

- Jitendra Pradhan S/o S/o Behru Pradhan, Aged About 30 Years, R/o Badgomuda, Police Station Tusra, District Balangir, Odisha, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, P.S. Supela, District Durg, Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicant – Ms. Rajni Soren, Advocate.

For Non-applicant/State – Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-02-2018

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 regular bail. The applicant has been arrested on 08-10-2017 in connection with Crime No.901/2017 registered at Police Station Supela, District Durg, Chhattisgarh for the offence under Section 20(B) of the N.D.P.S. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Seizure of the article has not been made directly from the possession of this applicant. The applicant was standing by the side of the car from which the said contraband has been alleged to be seized. The applicant is in custody since 08-10-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is resident of State Odisha, hence if he is released on bail his appearance before the trial Court cannot be secured and the trial against him will be withheld. Hence, for this reason, the applicant should not be granted regular bail.

4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of P.S. Supela, District Durg on receiving a secret information intercepted a car bearing registration No. O.R. 03 D- 9105 occupied by this applicant and two others and on search made, 10 kg. Ganja was recovered and seized from the possession of this applicant apart from the seizure made from the co-accused persons. Hence, this case.
6. Considered on the submissions made and contents of the case diary.
7. As it appears that there is no criminal antecedent of this applicant and he is detained since 08-10-2017, trial against him is likely to take some time before its conclusion, hence, for these reasons, I am of this view that the applicant should be released on regular bail in the present matter.
8. Consequently, the application (MCRC No.455/2018) 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge