

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 262 of 2018**

Kishan Lal, S/o. Devchand Patel, Aged About 43 Years, R/o. Village Sodh, P. S. Berla, District -Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Berla, District -Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Singhal, Advocate

For State/respondent : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**14/03/2018**

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.357/2017, registered at Police Station – Berla, District – Bemetara (C.G.), for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 26.11.2017, charge-sheet in this case has been filed after completion of investigation and no case is made out on the basis of the material present on record. Therefore, the counsel prays that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on search made by the police personnel of Police Station – Berla, District – Bemetara, 1.8 Kg. of Ganja was found in the possession of this applicant, which was seized accordingly. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering the material present in the case diary, as the case is presently before the trial Court and the trial against this applicant is likely to take sometime, the applicant is local resident of District – Bemetara, whose availability shall not be compromised, if he is released on bail, hence for this reason, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge