

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7638 of 2017

- Mohammad Safar Khan S/o Late Sheikh Rahmad, Aged About 54 Years R/o Sheetlapara, Navapara, Police Station Gobra Navapara, District Raipur, Chhattisgarh. At Present Village Pacheda, Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Gobra Navapara, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri D.K. Gwalre, Advocate.

For the Respondent/State: Shri N.K. Mehta, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12.02.2018

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. 349/2017, registered at Police Station – Gobra Navapara, District Raipur (C.G.), for the offence under Section 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The applicant is in jail since 07.11.2017. He is local resident of Raipur and he 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 the applicant has a one previous case prosecuted against him under the NDPS Act. Hence, the applicant is not entitled for grant of bail.
4. In reply counsel for the applicant submits the applicant is acquitted from the previous case prosecuted against him.
5. Heard counsel for both the parties and perused the case diary.
6. On the date of incident applicant was in the waiting room of Bus Stand of Navapara. On the basis of a secret information received, the police personnel of PS- Gobra Navapara, District Raipur (C.G.), searched and seized 1.250 kg ganja from the possession of the present applicant. On the basis of this recovery the case was registered against him.
7. Considered, that the applicant is a local resident of District Raipur and there is no likelihood of his absconding. Hence, for this reason this Court is of the opinion that this is a fit case where the applicant should be released on bail.
8. 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

Brijmohan