

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7566 of 2017**

Jabbar Ansari, S/o. Kasim Ansari, Aged About 32 Years, R/o. Village Marg Parradand Ambikapur, Police Station -Ambikapur, District : Sarguja Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Ambikapur, District- Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**30/01/2018**

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.405/2017, registered at Police Station – Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 20B of Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant was simply driving the motor cycle and the co-accused Rinku was actually in

possession of the contraband. Police has made false report of seizure from this applicant along with the co-accused person. Applicant is local resident of District – Sarguja and willing to abide by all the conditions as imposed while releasing him on bail. Therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is sufficient evidence against the applicant for his prosecution and he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that on the date of incident, the police personnel of Police Station – Ambikapur made joint seizure from this applicant and co-accused of 5.8 kg of Ganja on the basis of which, the case has been registered, investigated and charge-sheet has been filed.
6. Considered the submission made and the contents of the case diary. Taking into consideration the facts and circumstances of the case and further taking into consideration the fact that charge-sheet in this case has been filed and the applicant is in jail since 09.07.2017 and he is a local resident of District – Sarguja, his continuous detention till conclusion of trial would not serve any purpose and appearance of the applicant before the Court shall not be compromised, if he is released on bail, 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

Balram