

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7495 of 2017

- Anand Ram Patel S/o Anjor Singh Patel, Aged About 50 Years, R/o Village Bilari (J), Police Station Saliha, District Baloda Bazar Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Of Police Station Saliha, District Baloda Bazar- Bhatapara Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ganesh Ram Burman, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2018

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 02-09-2017 in connection with Crime No.50/2017 registered at Police Station Saliha, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant is in jail since 02-09-2017. He is resident of District Balodabazar-Bhatapara, C.G. and he is willing to abide by all the conditions 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 submission made. It is submitted that the applicant is habitual offender. There are four cases of proceeding under the provisions of Code of Criminal Procedure and five other cases are against him under the various provisions of the IPC. Hence, the applicant is not entitled for grant of bail.

4. Learned counsel for the applicant in reply submits that there no conviction has been recorded against the applicant in any of the cases as mentioned above.
5. Heard learned counsel for the parties and perused the case diary.
6. On search made 1.7 kg. of ganja was found in the *badi* (बाड़ी) of the applicant inside the bamboo shrub, which was recovered, seized and the case was registered against the applicant.
7. Considered on the submissions made and contents of the case diary.
8. As the applicant is local resident and his availability for the trial shall not be hampered if he is released on bail and also no conviction has been recorded against him so far in any of the cases registered against him, hence for these reasons, this application filed by the applicant for regular bail deserves to be allowed.
9. Consequently, the application (MCRC No.7495/2017) 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge