

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7801 of 2017**

Abinash Kumar Mohanty, S/o. Shri Dilip Kumar Mohanty, Aged About 23 Years, R/o. Village Naikguda, P.S. Malkangiri, District -Malkangiri, Odisha.

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Devendra Nagar, Raipur, District -Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Nath Nande, Advocate
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/02/2018**

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.47/2017, registered at Police Station – Devendra Nagar, Raipur, District – Raipur (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. No case is made out against him on the basis of the material available in the charge-sheet and he is ready to abide all the conditions imposed for grant of bail. The applicant is in jail since 18.05.2017. Hence, it is prayed that the applicant, may be granted 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 the applicant is resident of State of Orissa, hence, his availability for trial may be affected, hence, 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. Brief facts of the case are that on the date of incident, police personnel of Police Station – Devendra Nagar, Raipur searched and seized 7.5 Kg. of Ganja from the possession of this applicant in the Bus Stand at Raipur. After completing the procedure, FIR was lodged and charge-sheet has been filed after completion of investigation. Some witnesses have also been examined before the trial Court and according to the certified copy of the statement of the witnesses of search and seizure have turned hostile and they have not supported the case of the prosecution.
6. Considered the submissions made and the contents of the case diary. As the case is before the trial Court and trial of the case against the applicant is likely to take some time for its completion, applicant is in jail since 18.05.2017, 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 local 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