

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1022 of 2018**

Kamal Chandra, S/o. Mohitram Chandra, Aged About 30 Years, R/o. Village Chiknidih, Police Chowki -Bhatgaon, Police Station -Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Chowki Bhatgaon, Police Station -Bilaigarh, District -Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/04/2018**

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.11/2018, registered at Police Station – Chowki - Bhatgaon, P.S. - Bilaigarh, District – Balodabazar – Bhatapara (C.G.), for the offence punishable under Section 286, 420 of the Indian Penal Code and Section 5, 9 (b) of Explosive Act, 1984 and Section 4 of Explosive Substance Act, 1908.
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 06.01.2018. Charge-sheet in this case has been filed after completion of investigation. Applicant is resident of District – Balodabazar – Bhatapara and he is ready to abide by all the conditions imposed for grant of bail. As the case is now before the trial Court and

the trial is likely to take sometime for its conclusion. Hence, prayed that the applicant may be enlarged on 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 has a previous criminal history of having one case under the provisions of Excise Act, hence, he may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the applicant was travelling in Maruti Car bearing registration No.C.G.-22-G-9395, when he was stopped and searched by the police personnel of Police Chowki- Bhatgaon under the jurisdiction of P.S. - Bilaigarh. On search it was found that the applicant was carrying 150 Kg. of explosive substance and two bundles of explosive wires. Applicant had no papers to show about his authority to have in his possession the explosive substance. Hence this case.
6. Considered on the submissions made and the contents of the case diary. The only case against this applicant is keeping in his possession the explosive substance is without any authority to which some explanation has been given, which will be examined by the trial Court, for the present, 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