

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5687 of 2017

- Mohammad Raza Khan S/o Late Abdul Habi, Aged About 26 Years R/o Village Babadera, Lachanpur, Police Station Janjgir, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Janjgir, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/01/2018

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. 251/2017, registered at Police Station- Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 20(b)(ii)(B) of NDPS Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 5.7.2017. The trial has progressed and the seizure witnesses have been examined who have turned hostile and not supported the case of prosecution and the trial is likely to take some time. Applicant is the local resident and he is willing to abide all the conditions and direction, which may be imposed while granting bail to the applicant. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the offence charged against the applicant is of serious in nature, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the basis of information received the police personnel from PS-Janjgir they searched and seized 3.6 kg ganja on the place of incident of the applicant. On the basis of which the case has been registered against him.
6. Considering the submissions made and the contents of the case diary, taking into consideration the fact that applicant is resident of District-Janjgir-Champa and the trial of the case is likely to take some time and that he has no criminal antecedents. For these reasons, I am of this view that applicant should be benefited with grant of regular bail.
7. 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 furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge