

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6400 of 2017

- Bhore Lal Singh S/o Late Rupan Singh, Aged About 35 Years, Caste - Gond, R/o Village Baskar, Police Station Jhilmili, District Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jhilmili, District Surajpur, Chhattisgarh.

---- Non-applicant

For Applicant –Shri Sachin Singh Rajput and Shri Sangeet Kumar Kushwaha, Advocates.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-01-2018

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 01-09-2017 in connection with Crime No.136/2017 registered at P.S. Jhilmili, District Surajpur, C.G. for the offence under Section 21-A of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act').
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Even if it is assumed that the applicant was in possession of the contraband the prohibited drugs, on the basis of the quantity of the drugs found in his possession he can be prosecuted only for the offence under Section 21(a) of the NDPS Act which is punishable with R.I. upto one year. The applicant is in jail since 01-09-2017. He is local resident and ready to comply with all the conditions imposed for grant of bail. Hence, it is prayed that he may be

granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made.

4. Heard learned counsel for the parties and perused the case diary.

5. On 01-09-2017 on receiving secret information police personnel of police station Jhilmili apprehended and searched the applicant who was found carrying in a bag Lupigesic injection 98 ampoules and Avil injection 82 ampoules of value Rs.2,234/- on this basis the case has been registered against the applicant.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the facts that the applicant is local resident of District Surajpur, his availability before the trial Court can be ensured by imposing condition and the trial of the case is likely to take some time before its conclusion, this Court is of the considered view that this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail deserves to be allowed.

8. Consequently, the application (MCRC No.6400/2017) 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge