

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7355 of 2017**

Shakti Kumhar S/o Goda Kumhar, Aged About 21 Years R/o Village Kukurbeda, P. S. Purani Basti, Tahsil And District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Mahasamund, District Mahasamund Chhattisgarh

---- Respondent

For the Applicant	:	Shri A.L. Singraul, Advocate.
For the Respondent/State	:	Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.01.2018**

Heard.

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.542 of 2015, registered at Police Station – Mahasamund, District – Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.01.2017 and the applicant has been falsely implicated in this case. No progress has taken place in the trial against him. The applicant is ready

to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is permanent resident of Orissa and if he is released on bail he may not be available for the trial. Hence, the applicant is not entitled for grant of bail.

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

5. On the date of incident, 10 kg of ganja (narcotic substance) was seized from the possession of the applicant. Thereafter, the case has been investigated and the charge-sheet has been filed against him.

6. Considering the submissions and the contents of the case-diary and taking into consideration the fact that the trial against the applicant is not progressing, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi