

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1689 of 2018

- Rahul Gupta, S/o Suresh Gupta, aged about 23 years, Resident of Pandav Nagar, In front of Akshardham Temple, New Delhi.

---- Applicant

Versus

- State of Chhattisgarh, through: Police Station- Kotwali, Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravi Kumar Bhagat, Advocate.

For Respondent/State : Vinod Tekam, Panel Lawyer.

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

30/04/2018

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.400/2016 registered at Police Station– Kotwali, Jagdalpur District– Kondagawn (C.G.) for the offence punishable under Sections 20(B), of Narcotics Drugs and Psychotropic Substance Act (as per charge sheet).
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. After completion of investigation, charge-sheet has been filed. Applicant is in jail since 28.11.2016, and it is almost 1½ years that he is in jail. Trial is still pending and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect that applicant is a resident of New Delhi, therefore, if he is granted bail by the Court, trial pending before the Court below against the applicant shall be affected due to his non-appearance, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident a search made by the police personnel of Police Kotwali Jagdalpur, 12.200 kg ganja (narcotic substance) was found in possession of the applicant, which was seized and case was registered against the applicant. Hence, this case.
6. Considered on the entire material present in the case diary, charge-sheet has been filed on 31.12.2016, applicant is in jail about 1½ years. Trial is still pending and the applicant is waiting for conclusion of trial, for this reason, I am of this view that this is a fit case where applicant should be enlarged on 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 her furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge