

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1563 of 2018

- Gopal Ram Banjare S/o Dujeram Banjare Aged About 32 Years
Occupation- Agriculture, R/o Village Konpara, Post Kotrimal, Tahsil
Gharghoda, District Raigarh, Chhattisgarh., District : Raigarh,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Kotrroad, District Raigarh, Chhattisgarh., District : Raigarh,
Chhattisgarh.

---- Respondent

For the applicant : Shri Suresh Kumar Verma,
Advocate

For the Respondent/State : Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27.04.2018

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. 30/2018, registered at Police Station – Kotrroad, District – Raigarh, (C.G), for the offence under Section 21 of NDPS Act 1985.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 09.02.2018. After completion of investigation the charge-sheet has been filed. No case is made out against this applicant. He had simply taken lift, in motorcycle on which 2 others were riding and when the police stopped the motorcycle, they fled from the spot and this applicant was apprehended by the police. No seizure was

made from the possession of this applicant. He is ready to abide by the conditions which may be imposed upon him while granting bail, hence, it is prayed that he may be released on bail.

3. Learned counsel for the State opposes the bail application and submissions made.
4. Heard counsel for both the parties and perused the case diary.
5. On 09.02.2018 during the patrolling by the police of PS – Kotraroad, District – Raigarh, Eskuf Cough Syrup 100 ml of 160 bottles, A.P.S 0.5 mg Alprazolam tablet of 450 pieces, Spasmo Proxyvon Plus Capsules of 144 pieces were seized from the possession of this applicant along-with one motorcycle. There is no investigation as to the ownership of the motorcycle. Hence, this case.
6. Considering the submissions made, contents of the case diary and further considering the fact that the trial is pending before the trial Court and it will take some time for its conclusion and quantity of the prohibited drugs which have been seized from this applicant are less than commercial quantity, hence, for these reasons, this Court is of the opinion that this is a fit case where the applicant is entitled for grant of 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 his 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