

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1798 of 2018**

Anil Patel S/o Lochan Patel Aged About 26 Years R/o Village Singhanpur, P. S. Basna, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.S. Rajput, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.04.2018**

The matter is heard on out of turn hearing on the ground that the sister of the applicant is getting married and the marriage function is to be performed on 10th, 11th and 12th of April, 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.391 of 2017, registered at Police Station – Bilaigarh, District – Baloda Bazar, Bhatapara, 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 5.11.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. Similarly placed co-accused – Virendra Patel has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 196 of 2018, vide order dated 05.03.2018. 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 no case is made out for grant of regular bail to the applicant.

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

5. On the date of incident, on a search made by the police personnel of P.S. Bilaigarh, District Baloda Bazar, 2 kg of ganja (narcotic substance) was recovered and seized from the possession of this applicant. Hence, this case.

6. Considered the material present in the case-diary and the fact that the co-accused has been granted bail by the Co-ordinate Bench of this Court. The applicant is a local resident of P.S. Bilaigarh, District Baloda Bazar and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, I am of the view that this is a fit case where the applicant should be enlarged on regular bail.

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