

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1900 of 2018**

Devendra Rai, S/o. Ramesh Rai, Aged About 31 Years, R/o.- Patna Kua,
Police Station- Jaber, District- Damoh, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station
-Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For State/respondent	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/05/2018**

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.822/2017, registered at Police Station – Bemetara, District – Bemetara (C.G.), for the offence punishable under Section 20 (ख) of the Narcotic Drugs Psychotropic Substances Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 20.12.2017. The case is presently before the trial Court and the trial of the case is likely to take sometime for its conclusion. It is submitted that co-accused has been enlarged on bail by this Court. Hence, prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted

that no case is made out for grant of bail. The applicant is resident of District – Damoh (M.P.) and his appearance before the trial Court would be hampered, if he is released on bail and the trial would suffer. Hence, the bail application of the applicant be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 9.5 Kg. of Ganja were recovered and seized from this applicant and co-accused Sunny Dubey jointly on 20.12.2017, which was seized and the case was registered against this applicant and co-accused person.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and for the reason that the case is pending before the trial Court and the co-accused person has been enlarged on bail by this Court, this Court is of the opinion that present is a fit case, in which, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge