NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2239 of 2018

Chandan Thakur, S/o. Anant Thakur, Aged About 22 Years, R/o.- Village- Anuva, Post- Gulzarpur, P.S.- Sahar, District- Bhojpur, Bihar.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Kondagaon, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shobhit Koshta, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/05/2018

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.259/2016, registered at Police Station – Kondagaon, District – Kondagaon (C.G.), for the offence punishable under Section 20 (B) (ii) (b) of N.D.P.S. Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. No case is made out against him. Applicant is in jail since 16.11.2016 and the trial against him is still pending before the concerned Court. Out of 17 witnesses, only 6 witnesses have been examined before the trial Court and the trial of the case is likely to take sometime for its conclusion, hence it is

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 looking to the quantity of the contraband seized and further that the applicant is resident of Bihar and if the, applicant is released on bail, his appearance before the trial Court shall be affected, hence he should not be released on bail.

4. I have heard the learned counsel for both the parties and perused the case diary.

5. As per the prosecution case, on the date of incident, the police personnel of police station Kondagaon stopped the car bearing No.HR-26-Z-4282. This applicant and two others were occupying the car and on searching the car, 100.5 Kg. of Ganja was found contained in 50 packets, which was being transported by the occupants of the car. Hence this case.

6. Applicant has produced the certified copy of the statements of the independent witness, who have not supported the case of the prosecution case. Apart from that there are 11 more witnesses remaining to be examined before the trial Court, which clearly shows that the trial is getting delayed. Taking into consideration all the facts and circumstances of the case and further taking into consideration the fact that the trial of the case before the trial Court will take time for its completion, hence for this reason, 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

Balram