

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2208 of 2018**

1. Prabhuram S/o Moharsay Aged About 65 Years R/o- Village Chhindiya, Police Station Patna, District- Korea, Chhattisgarh.
2. Bheem @ Durga Prasad S/o Prabhuram Aged About 32 Years R/o- Village Chhindiya, Police Station Patna, District- Korea, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Patna, District- Korea, Chhattisgarh.

---- Respondent

For the Applicants : Shri Anil Gulati, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.05.2018**

1. At the outset, learned counsel for the applicants seeks permission to withdraw the bail application of applicant No.1 – Prabhuram.
2. Accordingly, the bail application of applicant No.1 – Prabhuram is dismissed as withdrawn with liberty to revive the same, if the occasion arises.
3. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant No.2 - Bheem @ Durga Prasad who has been arrested in connection with Crime No.43 of 2018, registered at Police Station – Patna, District Korea, Chhattisgarh for

the offence punishable under Sections 20(B) and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Learned counsel for the applicants submits that applicant No.2 – Bheem @ Durga Prasad has been falsely implicated in this case. No seizure has been made from his possession and he is in jail since 21.2.2018. Hence, it is prayed that applicant No.2 be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

7. On the date of incident, the police personnel of P.S. Patna, District Korea raided the residential premises of applicant No.1 – Prabhuram and made a seizure of 1.750 kg of ganja and other prohibited drugs. According to the prosecution case itself, applicant No.2 - Bheem @ Durga Prasad was not present in the house at the time of seizure.

8. After considering the material present in the case-diary and looking to the evidence that is proposed against applicant No.2 for his prosecution, I am of the considered view that the present is a fit case where applicant No.2 – Bheem @ Durga Prasad should be benefited with grant of regular bail.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that applicant No.2 - Bheem @ Durga Prasad 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