

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2270 of 2018**

Santosh Singh S/o Jeevan Singh Rajput Aged About 40 Years R/o Village-Sadak Banjari, Police Station- Chichola, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-Chichola, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.04.2018**

Heard.

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.28 of 2018, registered at Police Station – Chichola, District – Rajnandgaon, 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 28.2.2018 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and the trial is pending before the Special Court. No case is made out against the applicant as the seizure of ganja was made from *badi* by the side of the house of this applicant, which is an open place without any fencing, hence, exclusive

possession of this applicant cannot be claimed by the prosecution. It is further submitted that the applicant is HIV patient. 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 according to the evidence present in the case-diary, it is clearly demonstrated that the applicant was in possession of contraband. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, on receiving a confidential information, the police personnel of police outpost Chichola raided the premises of this applicant and found 10.1 kg of ganja (narcotic substance) kept in a polythene in the Courtyard by the side of his house, the same was recovered and seized. Hence, this case.

6. On perusal of the material present in the case-diary and after due consideration of the facts that the applicant is a local resident of District Rajnandgaon, the trial against the applicant is likely to take some time for its final disposal and further taking notice of the fact that he is HIV patient, I am of the view that the applicant should be benefited with grant of 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