

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2460 of 2018**

Manoj Khamhari S/o Lalit Khamhari Aged About 28 Years R/o- Village Tilaipali, Police Station- Amkabhouna, District- Bargarh (Odisha).

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Sariya, Revenue and Civil District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Surfaraj Khan, Advocate

For State/respondent : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/06/2018**

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.108/2017, registered at Police Station – Sariya, District – Raigarh (C.G.), for the offence punishable under Section 20 (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 case. Applicant is in jail since 29.08.2017. The case against the applicant is before the trial Court in which the independent witnesses have been examined, who have not at all supported the case of the prosecution. As the trial of the

case is still pending and getting delayed, therefore, 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 huge quantity of the contraband is seized from this applicant, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. 25 Kg. of Ganja was seized from the possession of this applicant while he was transporting in the motor cycle by the police personnel of Police Station – Sariya, District – Raigarh. Hence this case.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the statement of the witnesses filed by the counsel for the applicant. Perusal of the deposition sheet of the witnesses shows that they have not supported the case of the prosecution because of which they have been declared hostile. Looking to the development that has taken place and also looking o the delay in conclusion of trial, 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