

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2629 of 2018

- Satish Chandra Rai @ Panna Lal Rai S/o Kundan Rai Aged About 64 Years R/o- Village Sarola, Police Station Podi, Outpost Nagpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Podi, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.32/2018, registered at Police Station– Podi, District– Korea(C.G.) for the offence punishable under Sections 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 21.3.2018. No case is made out against him according to the material present in the charge-sheet. He is local resident of District-Korea and is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant has a criminal history of having being prosecuted in two cases under the provisions of NDPS Act and one case under the provisions of IPC. Hence, he is not entitled for grant of bail.
4. In reply, counsel for applicant submits that this applicant has been acquitted in two previous cases prosecuted against him under the provisions of NDPS Act. Copy of the judgments have been filed for perusal of this Court and the prosecution under the provisions of IPC is pending in which he is on bail.
5. Heard both the parties and perused the case diary.
6. On the date of incident on 21.3.2018 on a search made by the police personnel of PS-Podi, District-Korea, applicant was found in possession of 1.7 kg ganja the narcotic substance, which was seized and case was registered against the applicant. Hence, this case.
7. Considering on the entire material present in the case diary, looking to the nature of the previous prosecution under NDPS Act and for the reason that presently the case is before the trial Court and the trial against the applicant is likely to take some time before its conclusion, applicant is a local resident of District-Korea and his availability before the trial Court shall not be compromised if he is enlarged on regular bail, for this reason, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Nisha