

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2915 of 2018

- Ankit Gupta S/o Satya Prakash Gupta, Aged About 20 Years, R/o Singodi, Police Station Vijyagarh, District Katni M. P., District : Katni, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Mr. Vikash Pradhan, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-09-2017 in connection with Crime No.442/2017 registered at P.S. - Basna, District Mahasamund, Chhattisgarh for the offence under Section 20(B)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is a young man of tender age. No case is made out against him. The investigation procedure itself is doubtful because notice to the witnesses to remain present at the time of search and seizure was given at 10.07 a.m., in which name of this applicant and others has been mentioned as the persons to be coming in a vehicle. The vehicle was stopped for search at 10.50 a.m. As there is no prior confidential information to show the disclosure of the name of this applicant and others, the proceeding of investigation is itself doubtful. The applicant is in jail since 02-09-2017 and the trial against him is still not concluded. The independent witnesses have been

examined who have not supported the prosecution case. Hence, under these circumstances, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that huge quantity of contraband has been recovered and seized from possession of this applicant and two other co-accused persons. Hence, no case is made out for grant of bail.

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

5. According to the prosecution case, on 2-9-2017 police personnel of P.S. Basna, Distt. Mahasamund were stopping and searching the vehicles. It was at that time a car bearing No. MP 21 E 0135 was stopped and searched in which 50 kg. Ganja was recovered and seized. The car was occupied by this applicant and two others. Hence, this case.

6. Considered on the material present in the case diary. The time of notice and the time of search as pointed out by the counsel for the applicant needs serious consideration by the trial Court before arriving at any conclusion. Taking into consideration this fact that the independent witnesses have not supported the case of prosecution regarding search and seizure made by the police personnel, I am of this view that this is a fit case for grant of regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge