

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2926 of 2018

- Md. Javed @ Monu S/o Id Mohammad Aged About 23 Years R/o Kelabadi, Near Sahu Sadan Durg Thana Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.452/2017 registered at Police Station- Durg Kotwali, District – Durg(C.G.) for the offence punishable under Sections 21(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 9.7.2017. The trial against him is still pending before the trial Court. Hence, it is prayed that he may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect.

4. Heard both the parties and perused the case diary.
5. On the date of incident on 9.7.2017 on a search made by the police personnel of police outpost-Padmanabhpur, District-Durg, 14 small packets containing brown sugar total 6.20 gm from the possession of this applicant was seized. Hence, this case.
6. As submitted by counsel for applicant that the independent witnesses of recovery and seizure have turned hostile and that the trial against these applicants is likely to take some time before its conclusion and also that the applicant does not have any criminal antecedent. For this reason, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. 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