

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3078 of 2018**

Nandlal Kishore Bind, S/o. Late Shri Kishore Algu Bind, Aged About 40 Years,
R/o. Flat No. 303, Plot No. 23-E , Navi Mumbai, 410206.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station- Ganj, Fafadih Chowk
Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kishore Bhaduri with Mr. Pawan Kesharwani, Advocates
For State/respondent	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/07/2018**

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.65/2018, registered at Police Station – Ganj, Raipur, District – Raipur (C.G.), for the offence punishable under Section 407, 409, 411, 413, 120-B of the Indian Penal Code.
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 05.04.2018. Charge-sheet has been filed after completion of

investigation. No case is made out against this applicant. Only memorandum statement has been recorded of this applicant and no seizure has been made at his instance and his memorandum is not legally admissible in evidence. Apart from that, the powder that has been seized from the co-accused person is not the narcotics substance, which has been established in the investigation itself. Hence, 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 the applicant is part of the big racket working through out the country, in which the powder of life savings medicines are being stolen during the course of transport and being sold to private persons. Hence, the offence committed has a gravity because of which the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the basis of the confidential information, police personnel of police station – Ganj, Raipur made seizure of 5 Kg. powder from one Laxman Ram Bind. The powder was examined by the FSL, in which it was found to be Maglumine which is a raw material for manufacturing of medicines. Later on this applicant has been arrested on the basis of the memorandum statement given by himself. But no recovery of seizure has been made at his instance.
6. Considered on the submissions made and the contents of the case diary. Considering on all the material present in the case diary and

looking to the evidence i.e. proposed for his prosecution, 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