

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3615 of 2018**

Suraj Singh, S/o. Vijay Bahadur Singh, Aged About 32 Years, R/o- A-63, Near Government School, Mahaveer Nagar-1, Kota, District- (Revenue And Civil)- Kota (Rajasthan).

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Mainpur, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogesh Pandey, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/07/2018**

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.19/2017, registered at Police Station – Mainpur, District – Gariyaband (C.G.), for the offence punishable under Section 20 (ii) (B) of the N.D.P.S. Act, 1985.
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 19.03.2017. The case is before the trial Court and the trial is still pending getting prolonged. Co-accused in this case has been enlarged on bail. 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 resident of Rajasthan and hence, his non-availability may affect the progress of trial, 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. On search made by the police personnel of police station – Mainpur, District- Gariyaband, 10 Kg. Ganja was recovered and seized from the possession of this applicant while he was traveling in a bus along with co-accused Rahul Sharma, who was found in possession of 5 Kg. Ganja. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering this fact that the trial against this applicant is getting prolonged and similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 15.01.2018 by this Court, hence for this reason, 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