

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4139 of 2018**

Bhupsingh Kumhar, S/o. Babulal Kumhar, Aged About 32 Years, R/o. Village Khambi (Hambi), P.S. Hasanpur, Tahsil Hodal, District Palval, Haryana.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station - Keshkal, District - Kondagaon Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Kiran Jain, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/07/2018**

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.162/2017, registered at Police Station- Keshkal, District – Kondagaon (C.G.) for the offence punishable under Section 20-(ii) B of Narcotics Drugs and Psychotropic Substance Act, 1985.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 10.12.2017. No case is made out against him. The independent witnesses of search, seizure and weighment have not supported the prosecution case. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that huge quantity of the contraband i.e. 107.630 Kg has been recovered and seized from the possession of this applicant.

Further this applicant is resident of Haryana, who shall not appear before the trial Court, if he is released on bail. Hence, it is prayed that the applicant may not be released on bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, the police personnel of police station Keshkal stopped and searched the vehicle bearing registration No. HR- 26-BY-3999, in which 107.630 Ganja was seized from the possession of this applicant along with other accused persons.
6. Considered the submissions made and the contents of the case diary and also considering the certified copy of the deposition of the witnesses, who have been examined so far before the trial Court, it appears that they have not supported the case of the prosecution, hence, after due consideration, 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 Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge