

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4250 of 2018

- Jay Prakash Mishra S/o Ram Nivas Mishra Aged About 28 Years R/o Main Market Rahul Vihar Thana Vijaynagar, Gaziabad, District Gaziabad U. P., District : Ghaziabad, Uttar Pradesh

---- Applicant

Versus

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

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate.
For Respondent/State : Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/07/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 94/2018, registered at Police Station Mahasamund District Mahasamund (C.G.), for the offence punishable under Section 20 (B) of NDPS Act.
2. As per prosecution story, it is alleged that on 18.02.2018 a Hyundai vehicle bearing registration No. DL3CAB 2943 was searched by the Police, wherein, present accused/applicant and co-accused were present and total 29.3 kgs. Of Cannabis in the dickey of the said vehicle was seized from the joint possession of the present applicant and other co-accused. The applicant has been arrested on 18-02-2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He further submits that the applicant had no knowledge that there was Cannabis in the said vehicle.

Mandatory provisions of the NDPS have not been complied with. He further submits that other co-accused persons namely Shankar Singh, Kumud Kashyap and Satish Rai have already been granted bail by this Court vide order dated 16.05.2018 passed in MCRC No. 2382/2018 and MCRC No. 3266/2018, therefore, the present applicant may also be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the above facts and circumstances of the case, particularly considering the fact that charge-sheet has already been filed and the applicant is in custody since 18-02-2018. Further considering the fact that the other co-accused have already been granted bail by this Court, therefore, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the trial court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-

(Arvind Singh Chandel)

Judge