

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4299 of 2018

- Kheti Nag S/o Puran Nag Yadav, Aged About 27 Years R/o Rengali, P.S. Titlagarh District Balangi, Odisha, Presently - Kalika Nagar Tifra, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chakarbhatha, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/07/2018

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.397/2017 registered at Police Station– Chakarbhatha, District– Bilaspur(C.G.) for the offence punishable under Section 20(b)(ii)(c) of the Narcotics 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. He is in jail since 9.9.2017. The trial against him is pending before the concerned Court which has made no progress so far. Applicant is languishing in jail without there being any fault on his part. Hence, it is prayed that

applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that huge quantity of ganja has been seized from the possession of this applicant, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On a search made by the police personnel of PS-Chakarbhata, District-Bilaspur, in the vehicle driven by this applicant 25 kg ganja the narcotic substance was seized from the possession of this applicant and 11 kg ganja was seized from the co-accused persons. Hence, this case.
6. Considered the entire material present in the case diary, taking into consideration this fact that the trial against this applicant is pending before the trial Court and so far as per information given by counsel for both the parties only two witnesses have been examined out of 15 witnesses, hence, looking to the delay in conclusion of trial, I am of this view that this is a fit case where applicant should be released 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

