

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4956 of 2018

- Susil Kumar S/o Saytanarayan, Aged About 22 Years, R/o Village Mahavir Ganj Tola, South Ekauna Police Station Udvant Nagar, District Bhojpur, Bihar, District Bhojpur, Bihar., District : Bhojpur, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nagarnar, District Bastar, Chhattisgarh, District Bastar (Jagdalpur), Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri A.K. Yadav, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 11-07-2017 in connection with Crime No.171/2017 registered at P.S. - Nagarnar, District Bastar, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 11-07-2017. The applicant was simply employed as driver by the owner of the vehicle and he has no connection with the contraband that was seized from the vehicle which he was driving. The case is pending before the trial Court and the independent witnesses have not supported the case of prosecution. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is resident of Bihar State, in case he is released

on bail, he may not be available for trial which may hamper the trial of the case, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident police personnel of Police Station Nagarnar, District Bastar searched a car bearing registration No. CG 10 F 1908 in which 70 kg. of Ganja was found which was seized from this applicant and other co-accused persons who were traveling in the said car.

6. Considered on the material present in the case diary. For the reasons that independent witnesses of search and seizure have turned hostile, this applicant appears to be employed driver of the said vehicle, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge