

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4936 of 2018**

Satayam Dubey S/o Abhimaneu Dubey Aged About 20 Years R/o Civil Line
Baxser, Thana- Baxsar, District- Baxsar, Bihar.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Pallav Mishra, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.08.2018**

Heard.

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. 101 of 2016, registered at Police Station Nagarnar, District Bastar, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 31.5.2016 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The trial is getting delayed and the applicant is languishing in jail without any fault on his part. Hence, it is prayed that the

applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is resident of other State and if he is released on bail he may not be available for the trial. Hence, the applicant is not entitled for grant of bail.

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

5. On the date of incident, on a search made by the police personnel of P.S. Nagarnar, District Bastar, 4.400 kg of ganja (narcotic substance) was recovered while he was waiting for convenience at the road junction.

6. Considered the material present in the case-diary and taking into consideration the fact that more than two years have passed and the trial against the applicant is still pending having not made any substantive progress and so far only two witnesses have been examined out of the 11 witnesses. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge