HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4958 of 2018

Hemant Singh, S/o. Bhairo Singh, Aged About 22 Years, R/o. Village Chiroda, Thana - Gyaraspur, District Vidisha (Madhya Pradesh).

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Sankara, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2018

1. This is the first bail applications 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.136/2017, registered at Police Station- Sankara, District – Mahasamund (C.G.) for the offence punishable under Section 20-B of the N.D.P.S. Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 25.08.2017. No case is made out against him according to the material present in the charge-sheet. Similarly placed co-accused person in this case has been enlarged on bail by the Coordinate Bench of this Court vide order dated 04.05.2018 in M.Cr.C. No.1498/2018. It is also submitted that independent witnesses of search and seizure have been examined and the have not supported the case of the prosecution. 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.

4. I have heard the learned counsel for the parties and perused the documents placed on record.

5. On search made by the police personnel of police station – Sankara, District - Mahasamund, 35 Kg. Ganja was recovered and seized from the possession of the applicant and the co-accused persons while they were traveling in a car. Hence this case.

6. Considered on the submissions made and the contents of the case diary and also considering this fact that the co-accused person has been enlarged on bail by the Coordinate Bench of this Court and further the independent witness of search and seizure have been examined and they have not supported the prosecution case, hence for these reasons, 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

Balram