

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5076 of 2018**

Shyam Kumar @ Dinesh Kumar S/o Khushiram Gautam Aged About 25 Years (not mentioned as aged in the order sheet of the learned court below)
R/o Sarna Dogar, Police Station Kardhani, District Jashpur (Rajasthan).

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Ganj Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.L. Sahu, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.08.2018**

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.275 of 2017, registered at Police Station – Ganj, Raipur, District Raipur, 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 24.7.2017 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. Similarly placed co-accused persons have been granted bail by this Court. 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 a permanent resident of Rajasthan and if he is released on bail he may not be available for the trial. Hence, the applicant is not entitled for 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. Ganj, District Raipur, 11.500 kg of ganja (narcotic substance) was recovered and seized while he was travelling in a train and similar seizure has also been made from the other co-accused persons. Hence, this case.

6. Considering the submissions made and the contents of the case diary, I am inclined to grant bail to the applicant for the reason that the similarly placed co-accused persons have been granted bail by this Court, this application is allowed.

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 local 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

Nimmi