

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5045 of 2018

Shiv Patel, S/o. Manharan Lal Patel, Aged About 24 Years, Caste- Patel, R/o. Village Temar, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Deepak Kumar Singh, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

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.269/2018, registered at Police Station- Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 21 (B) of N.D.P.S. Act, 1985 (20 B of N.D.P.S. wrongly mentioned in the impugned order).
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 05.05.2018. No case is made out against him according to the material present in the charge-sheet. Seizure of narcotics substance has been made from the juvenile co-accused – Avinash, hence, the applicant may be released 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. Case of the prosecution in brief is that on the date of incident 300 bottles of cough syrup each of 100 ml containing prohibited narcotics substance codeine were seized from the possession of the juvenile co-accused Avinash. Applicant has been made accused in this case as he was carrying cartoon containing syrup while juvenile co-accused was driving the motor cycle.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary further considering the fact that the trial against the applicant is likely to take some time for its disposal and the applicant is local resident of Sakti, District – Janjgir-Champa, 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