

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5058 of 2018

Hari Singh S/o Bir Singh Aged About 56 Years Caste Gond, R/o Village Bundeli, P. S. Jhagarakhaand, Tahsil Manendragarh, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Jhagarakhand, District Korea, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. C.K. Kesharwani, Advocate
For Respondent	:	Mr. Smita Ghai, P.L.

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.66/2018, registered at Police Station- Jhagarakhand, District – Korea (C.G.) for the offence punishable under Section 20 (1) (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 13.04.2018. No case is made out against him according to the material present in the charge-sheet. Charge-sheet in this case has been filed after completion of investigation. 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. It is submitted that the applicant has been proceeded in case of

preventive nature under Cr.P.C., hence, he may not be released on bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, the police personnel of police station-Jhagarakhand made a seizure of 20 plants of Cannabis from the compound of the present applicant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the facts and circumstances of the case and looking to the fact that the trial of the case is likely to take some time and the applicant is local resident of District Korea, 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