

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5144 of 2018**

Khada Raju @ Remand Sen S/o Santosh Sen Aged About 25 Years R/o Gandhi Nagar, Near Vijay Kiran Store, P. S. Civil Line, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, P. S. Civil Line, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri D. Kushwaha, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.08.2018**

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.588 of 2017, registered at Police Station – Civil Lines, 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 22.9.2017 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. The independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported

the case of the prosecution. 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 has criminal history of having been prosecuted under the provisions of preventive procedure of Cr.P.C. and IPC. Hence, he 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. Civil Lines, Raipur, District Raipur, 4.735 kg of ganja (narcotic substance) was recovered from the possession of the applicant. Hence, this case.

6. Considered the entire material present in the case-diary. On perusal of the certified copy of the deposition of the independent witnesses produced alongwith the application, it appears that they had been declared hostile and have not supported the case of the prosecution. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.

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

Nimmi