

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5147 of 2018

- Rajkumar Sahu @ Raju S/o Janmajay Sahu, Aged About 50 Years (Not mentioned in the impugned order of the learned Court below), R/o Near Pond, Ganganagar, P. S. Khamtarai, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtarai Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-06-2018 in connection with Crime No.348/2018 registered at P.S. - Khamtarai Raipur, District Raipur, Chhattisgarh for the offence under Section 20(B) of the N.D.P.S. Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 25-06-2018. No case is made out against him. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has criminal history of having been prosecuted under the provisions of the Excise Act on 5 occasions. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. 3 kg. Ganja has been recovered and seized from the possession of this

applicant by police personnel of P.S. Khamtarai, Raipur, District Raipur. Hence, this case.

6. Considered on the entire material present in the case diary. Though some previous cases for the offence under the provisions of the Excise Act have been reported against this applicant, but no previous case for the similar offence has been reported against the applicant. Hence, for these reasons, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge