

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5340 of 2018

- Rama Raman Shukla S/o Devmani Shukla Aged About 32 Years R/o Sesai Jungle, Thana Khargupur District- Gonda, Uttar Pradesh.....(In Jail), District : Gonda, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Gariyaband, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Navin Shukla, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/08/2018

1. This is the second bail application of this applicant. His first bail application filed under Section 439 of Code of Criminal Procedure, 1973 was dismissed as withdrawn in MCRC No.3627/2018 vide order dated 5.7.2018.
2. This 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.146/2017 registered at Police

Station– Gariyaband, District– Raipur(C.G.) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 29.7.2017. No case is made out against him. The independent witness of search and seizure have not supported the prosecution case against the appellant. Hence, it is prayed that applicant be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is resident of District- Uttar Pradesh, if he is released on regular bail he may not be available for trial, which will hamper the proceeding of trial, hence, he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. On a search made by the police personnel of PS-Gariyaband, District- Raipur, 90 kg ganja the narcotic substance has been recovered and seized from the possession of this applicant while he was traveling in a car. Hence, this case.
7. Considered the entire material present in the case diary and also perused the certified copy of the deposition of the independent witnesses of search and seizure, who have not supported the prosecution case, hence, after due consideration, I am of this view that this is a fit case where applicant should be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha