

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5237 of 2018**

Md. Tasim Yasin Miyan Aged About 32 Years Cast- Musalman, R/o Mohalidih, P. S. - Tetumari Chowki, East Basoriya, District Dhanbad (Jharkhand)., District : Dhanbad, Jharkhand.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Keshkal, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.N. Pandey, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2018**

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.49 of 2017, registered at Police Station – Keshkal, District Kondagaon, 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 26.04.2017 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 trial against the applicant is still pending. 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 is resident of District Dhanbad, Jharkhand and if he is released on bail he may not be available for the trial. Hence, the applicant 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. Keshkal, District Kondagaon, 102 kg of ganja (narcotic substance) was found in possession of the applicant and the co-accused person while they were travelling in a car. 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 and also the fact that co-accused – Md. Anwar has been granted bail by this Court in M.Cr.C. No.3480 of 2018 dated 9.7.2018. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

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 local 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