

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5231 of 2018**

Basu Ram Mourya S/o Bhagat Singh Mourya, Aged About 30 Years R/o Village Makdi, Ghodagaon, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Karpawand, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Shrivastava, Advocate.
For the Respondent/State : Ms. Smita Ghai, 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.47 of 2015, registered at Police Station – Karpawand, 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 27.05.2015 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. Out of 20 witnesses, only nine witnesses have

been examined so far and this case is pending more than three years. 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 huge quantity of contraband has been seized from the possession of the applicant. 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. Karpawand, District Kondagaon, 23.170 kg of ganja (narcotic substance) was found in possession of the applicant while he was transporting the same. Hence, this case.

6. Considered the material present in the case-diary and taking into consideration the fact that more than three years have passed and the trial against the applicant is still pending having not made any substantive progress and so far only nine witnesses have been examined out of the 20 witnesses. 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 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