

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5304 of 2018

- Manbodh Kumar Sah S/o Vijay Kumar Sah Aged About 34 Years R/o Beltara Road, Chowkiya Mod, P. S. Kumbhaw District Baliya U. P., District : Ballia, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sariya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2018

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 27-12-2017 in connection with Crime No.168/2017 registered at P.S. - Sariya, District Raigarh, Chhattisgarh for the offence under Section 20(B)(ii)(C) 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 27-12-2017. No case is made out against him. The case is pending before the trial Court where the independent witnesses of search and seizure have been examined who have not supported the prosecution case. 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 is resident of U.P. State, hence, if he is released on bail, he may not be available for trial. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. Total 25 kg. Ganja has been seized from the possession of this applicant and the co-accused person jointly by police personnel of P.S. Sariya, District Raigarh. Hence, this case.

6. Considered on the entire material present in the case diary and also perused certified copy of the deposition of the independent witnesses of search and seizure who have not supported the prosecution case. Hence, for these reasons, I am of this opinion that this is a fit case where the applicant should be granted regular bail.

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