

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 5350 of 2018**

Vijay Sahu S/o Radheshyam Sahu Aged About 20 Years R/o Village Katai Nar, Baki Mongra, Police Station Baki Mongra, Tahsil Katghora, Civil And Revenue District Korba, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh, Acting Through Officer- In- Charge, Police Station Kotwali Korba (Wrongly Mention Baki Mongra) Civil And Revenue District Korba, Chhattisgarh.

**---- Respondent**

|                |   |                              |
|----------------|---|------------------------------|
| For Applicant  | : | Mr. Kripesh G.Kela, Advocate |
| For Respondent | : | Mr. Anant Bajpai, P.L..      |

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**17/08/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.359/2018, registered at Police Station- Kotwali Korba, District – Korba (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 27.05.2018. Charge-sheet in this case has been filed after completion of investigation. No case is made out against him according to the material present in the charge-sheet. The applicant himself is mentally challenged person. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.

5. As per prosecution case, 2.5 Kg. of Ganja has been found in the possession of this applicant on search made by the police personnel of Police Station – Kotwali, District – Korba (C.G.)
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and further taking into consideration this fact that the applicant does not have any criminal antecedents, hence, for this reasons, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge