

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5763 of 2018

- Jalandhar Kanhar S/o Khageshar Kanhar Aged About 19 Years R/o- Village Sandigiya, Thana- Phiringiya, District- Kandhmal (Odisha), District : Kandhamal, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Bagbahara, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/08/2018

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.285/2017 registered at Police Station– Bagbahara, District– Mahasamund(C.G.) for the offence punishable under Section 20B of Narcotic Drugs Psychotropic Substances Act.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 03.12.2017. No case is made out against him. Similarly placed co-accused persons have been granted bail by this Court in MCRC

No.3221/2018 vide order dated 28.6.2018. Hence, it is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is resident of State of Odisha, 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.
4. Heard both the parties and perused the case diary.
5. On a search made by police personnel of PS-Bagbahara, District-Mahasamund, 23 ganja the narcotic substance was recovered and seized from the possession of this applicant and the co-accused person jointly while the applicant and the co-accused were traveling in a vehicle. Hence, this case.
6. Considered on the entire material present in the case diary and also considering this fact that co-accused persons have granted bail by this Court. For this reason, I am of this view that this is a fit case where applicant should be released on regular bail.
7. 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 local 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