

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6034 of 2018**

Ram Kumar S/o Gangaprasad Vishwkarma Aged About 35 Years R/o Village Bamhaya Thana Markundi District Chitrkut M. P., Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Basna District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.09.2018**

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. 415 of 2017, registered at Police Station Basna, District Mahasamund, Chhattisgarh for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.9.2017 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 independent witnesses of search and seizure

have been examined before the trial Court have not supported the prosecution case. Similarly placed co-accused – Anoop Kushwaha has been granted bail by this Court in M.Cr.C. No. 3278 of 2018 dated 5.7.2018. 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.

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. Basna, District Mahasamund, 31 kg of ganja (narcotic substance) was recovered from the possession of the applicant and co-accused – Anoop Kushwaha, who were transporting the same in a car. Hence, this case.

6. Considered the material present in the case-diary. As the independent witnesses have not supported the prosecution case and also the fact that co-accused – Anoop Kushwaha has been granted bail by this Court, I am of the view that in this case the applicant deserves to be enlarged on 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