

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5996 of 2018**

Shekh Imran S/o Shekh Jalil Aged About 25 Years Caste- Musalman, R/o- Mazarkhed, Kazipura, Ward No. 3, P.S. Chandor, District- Amrawati, Maharashtra., District : Amravati, Maharashtra.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant : Smt. Kiran Jain, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.10.2018**

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.155 of 2017, registered at Police Station – Kondagaon, District Kondagaon, 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 20.6.2017 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 the seizure and

other procedure have been examined who turned hostile and not supported the case of the prosecution. Hence, looking to this development, 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, 82.100 kg of ganja (narcotic substance) was seized from the possession of the applicant, which was being transported by the applicant alongwith one co-accused person. Hence, this case.

6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the independent witnesses produced alongwith the application, it appears that they had been declared hostile and have not supported the case of the prosecution. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.

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 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 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