

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6144 of 2018

- Sidheshwar Nayak S/o Kala Nayak Aged About 65 Years R/o Village Sittiguda, Post Office And Police Station Nawagaon, District Falwani Odisha

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Komakhan District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri Bhaskar Pyashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 91/2017, registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
2. As per the prosecution story, on 25.07.2017, on the basis of information received from the informant, police personnels searched the vehicle (bus) bearing registration No. CG 04 E 2889 and after being searched, seized total 11.200 Kg. Illicit cannabis from the possession of the present applicant along with two other co-accused namely Bunty Saky and Pawan Kumar and they have been arrested on the same day.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that the other co-accused namely Bunty Saky and Pawan Kumar have already granted benefit of bail by this

Court vide order dated 16.03.2018 passed in M.Cr.C. No. 73/2018, present applicant is in custody since 25-07-2017 and trial will take some time, therefore, applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the other co-accused Bunt Saky and Pawan Kumar have already granted benefit of bail by this Court, present applicant is in custody since 25-07-2017, and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with two local sureties each of Rs. 25,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge