

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6265 of 2018

- Aman Shukla S/o Late Chandramadi Prasad Shukla, Aged About 26 Years, R/o- Sitamadi Korba, P.S. Kotwali, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station- Dharamjaigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05-08-2017 in connection with Crime No.228/2017 registered at P.S. - Dharamjaigarh, District- Raigarh, Chhattisgarh for the offence under Section 20(b)(ii)(C) of the NDPS Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 05-08-2017. The applicant had been only a driver of the vehicle in which the luggage that was taken by the passenger has been seized and without there being any connection of this applicant for the same the seizure has been shown to be from him. Also, the co-accused person has been granted bail by this Court in MCRC No.4969/2018 vide order dated 07-08-2018. This applicant is similarly placed, hence, it is prayed that this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. After perusing the order of the Court below and the order passed by this

Court in MCRC No.4969/2018 and also for the reason that as mentioned in the order passed by this Court that the independent witnesses of search and seizure have not supported the prosecution case which is taken notice of, I feel inclined to allow this application.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge