

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6535 of 2018**

Swaminath Rawat, S/o. Shri Dharichhand Rawat, Aged About 39 Years, R/o.-
Village Kureji, P.S. Gadwar, District- Baliya, Uttar Pradesh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Ms. Shivali Dubey, Advocate
For Respondent	:	Mr. Anant Bajpai, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/10/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.168/2017, registered at Police Station- Sariya, District – Raigarh (C.G.) for the offence punishable under Section 20 (B) (ii) (C) of N.D.P.S. Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 02.12.2017. No case is made out against him according to the material present in the charge-sheet. The independent witnesses have been examined before the trial Court, who have not supported the case of the prosecution. Similarly placed co-accused has been enlarged on bail by this Court. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case of the prosecution in brief is this that joint seizure of 25 KG of Ganja was made from this applicant and co-accused person by the police personnel of police station – Sariya, District – Raigarh.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and taking into consideration this fact that the independent witnesses of search and seizure have not supported the prosecution case and similarly placed co-accused person has been enlarged on bail by this Court, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge