

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6536 of 2018**

Rajkumar Meher S/o Sahdev Meher Aged About 24 Years R/o- Village Jamla Thana Padampur, District- Bargarh (Odisha), District : Bargarh *, Orissa.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.11.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.5555 of 2018 dated 2.8.2018. The applicant has been arrested in connection with Crime No.227 of 2017, registered at Police Station – Saraipali, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 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 16.7.2017 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 trial against the applicant is getting delayed

as the witnesses are not turning up and the investigation conducted in this case cannot be said to be fair in any manner as the informant of the FIR and the investigator is the same person which has been deprecated in the case of **Mohan Lal vs. State of Punjab** reported in **AIR 2018 SC 3853**. 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 a search made by the police personnel of P.S. Saraipali, 1.2 quintals of ganja (narcotic substance) was recovered and seized from the possession of the applicant and the co-accused persons jointly while the same was being transported. Hence, this case.

6. Considering the material present in the case-diary, the conclusion of the trial is likely to take some time for its final disposal and the informant of the FIR and the investigator is the same person, I feel inclined to grant regular bail to the applicant in this case.

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