

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5112 of 2017**

Kaleshwar Mehar S/o Vidhyadhar Mehar, Aged About 42 Years R/o Chichaiguda, Police Station Junagarh, District Kalahandi, (Orissa).

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Mainpur, Chowki Bindra Navagarh, District Gariyaband (Chhattisgarh).

---- Respondent

For the Applicant	:	Shri S.C. Verma, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.01.2018**

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. 46 of 2017, registered at Police Station Mainpur, District Gariyaband, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 04.05.2017 and the applicant has been falsely implicated in this case. As per the case of the prosecution, only 5 kg of ganja was seized and in the similar case the Co-ordinate Bench of this Court has awarded sentence of one year imprisonment where the quantity of contraband seized was 10 kg. Hence, looking to the view taken by this High Court the applicant has

undergone sufficient period in jail and the trial of the case is likely to take some time for its final disposal. 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. It is submitted that the applicant was found in possession of 5 kg of ganja (narcotic substance) and the offence is of grave nature. Hence, the applicant is not entitled for grant of bail.

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

5. The facts of the case are that on the date of incident on the basis of secret information received, police Chowki Bindra Navagarh, District Gariyaband, Chhattisgarh stopped the bus in which the applicant was travelling. On search, 5 kg of ganja was recovered from his possession which was seized and the case has been registered against the applicant.

6. Considering the submissions and the contents of the case-diary, the fact that the trial against the applicant is still pending and he is in jail since more than six months as also his appearance can be ensured by enforcing certain conditions, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi