

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7325 of 2018

- Ramkishan Thakur S/o Ajmer Thakur, aged about 18 Years Cast- Gond, R/o Village- Madanpur, Police Station- Tendukheda, District- Narsinghpur, Madhya Pradesh.

---- Applicant

Versus

- The State of Chhattisgarh Through The Station House Officer, Police Station- Makdi, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Chandrashekhar Kaushik, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/10/2018

1. The Applicant had earlier preferred the first bail application under Section 439 of Cr.P.C., which was rejected by this Court vide order dated 12.09.2017 passed in M.Cr.C. No. 2587 of 2017.
2. This is the Applicant's second bail application preferred under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 05/2018, registered at Police Station – Makdi, District- Kondagaon, (C.G.), for the offence punishable under Sections 21- B II B of NDPS Act.
3. As per the prosecution story, on 04.2.2017, on the basis of secret information received from an informant, police personnels searched the present Applicant and co-accused Sunil Thakur and seized total 2.800 gm and 2.200 gm of contraband ganja from their possession respectively. They were taken into custody on 04.02.2017.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that after the rejection of first bail application of the present Applicant, vide order dated 27.09.2018 passed in MCRC No. 6460/2018, co-accused Sunil Thakur has been granted bail by this Court. The case of the present Applicant is also on same footing. He further submits that Applicant is in custody since 04.02.2017 and trial is likely to take further more time. Therefore, in this change circumstances, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case and further considering the fact that co-accused Sunil Thakur has already been granted bail by this Court vide order dated 27.09.2018 passed in MCRC No. 6460/2018, Applicant is in custody since 04.02.2017, trial is likely to take some time, without further commenting on merits of the case and looking to the change circumstances in this application, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge