

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5964 of 2017**

Durga Prasad Rathore @ Rajaram Rathore, S/o. Shri Sahdev Rathore, Aged About 55 Years, R/o. Village Sarkho, Police - Chauki -Naila, District -Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Chauki- Naila, Police Station -Janjgir, District - Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anish Tiwari, Advocate

For Respondent/State : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/01/2018**

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.249/2017, registered at Police Station – Janjgir, Chauki – Naila, District – Janjgir-Champa (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. As alleged 2.2 kg. Ganja has been recovered and seized from the possession of the applicant, whereas independent witnesses of the seizure have been examined before the trial Court, who have turned hostile, applicant is in jail since 04.07.2017, he is local resident of Janjgir and ready to

abide all the conditions imposed while granting bail, therefore, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident, the police party raided the house of the applicant and seized 2.2 kg. of Ganja from his place of resident, thereby the case was registered against him.
6. Considered on the submissions made and the contents of the case diary. As there is no criminal antecedents of the applicant and it appears that house, which was searched was shared by other members of the family of the applicant, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge