

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7494 of 2018

- Shekh Zamir S/o Shekh Munir Aged About 40 Years Caste Musalman, R/o Chiprasipura Camp, Ward No. 29, P. S. Frejarpura, District Amrawati Maharashtra, District : Amravati, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kondagaon District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant	:	Mrs. Kiran Jain, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2018

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure. His first application was dismissed as withdrawn.
2. 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.155/2017 registered at Police Station– Kondagaon, District– Kondagaon(C.G.) for the offence punishable under Section 20(B) (ii) (C) of Narcotic Drugs Psychotropic Substances Act.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 21.06.2017. No case is made out against him. The witnesses of search and seizure have turned hostile before the Court and similarly placed co-accused person Shekh Imran in MCRC No.5996 of 2018 vide order dated 1.10.2018 has been granted bail by this Court. Hence, it is prayed that this applicant may also be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is resident of other State, if, he is released on regular bail he may not be available for trial, which will hamper the proceeding of trial, hence, he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. On a search made by police personnel of PS-Kondagaon, District-Kondagaon, 82.1 kg ganja the narcotic substance was recovered and seized from the joint possession of this applicant and the co-accused person while the same was being transported by them. Hence, this case.
7. After considering on entire material present in the case diary, taking into consideration this fact that the independent witnesses of search and seizure have not supported and also considering this fact that co-accused person has been granted bail by this Court. For these reasons, I am of this view that this is a fit case where applicant should be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha