

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6910 of 2017

Santosh Kumar, S/o. S/o, Vishwanath Das, Aged About 38 Years, R/o. Village Byguniya, Police Station -Fatehgarh, District -Nayagarh Orissa, Orissa

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police of Police Station – Telibandha, Raipur, Dist. Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. A.S. Rajput, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/01/2018

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.287/2017, registered at Police Station – Telibandha, Raipur, District – Raipur (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substance Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and no case is made out against the applicant on the basis of the material available on

record of the prosecution case. The applicant is in jail since 18.07.2017, he is ready to abide all the conditions for grant of bail and the progress in trial is also slow as out of the 16 witnesses, 4 witnesses have been examined so far. 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. The specific recovery of the Ganja has been made from the applicant, who has kept the same under the conductor seat as the applicant himself was the conductor of the bus, hence no case of bail is made out in his favour.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that on the date of incident, bus bearing No.CG-04-E-5633 of Mahendra Travels was stopped and searched by police personnel of police station – Telibandha and on search being made, a bag containing 6 kg. Ganja was found under the seat of the conductor as the applicant was conductor, he was held responsible for the possession of the contraband and the case was registered against him.
6. Considered the submissions made and the contents of the case diary. Taking into consideration all the facts and circumstances of the case, 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 local 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

Balram