NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7392 of 2017

Shrawan Kumar Chowhan S/o Late Shri Ramhari Chowhan, Aged About 29 Years Wrongly Mentioned As Late Ramrati Chowhan By Caste Chodia, Tahsil And P. S. Poudi, Distt. Korea Baikunthpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The P.S. Poudi, Distt. Korea Baikunthpur Chhattisgarh.

---- Respondent

For the Applicant : Shri J.A. Lohani, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

17.01.2018

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.09 of 2017, registered at Police Station – Poudi, District – Korea-Baikunthpur, Chhattisgarh for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The independent witnesses examined by the trial Court have turned hostile. The

applicant is in jail since 18.1.2017 and there by he is in detention since last about one year. Even if the applicant is convicted, this period of detention may be considered as sufficient punishment of imprisonment against him. 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 61 packets of brown sugar which clearly shows his intention of selling the same and the offence is clearly made out against him. Hence, the applicant is not entitled for grant of bail.

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

5. On the date of incident, after receiving a secret information a raid was conducted by the police personnel of P.S. Poudi, District Korea-Baikunthpur and 61 packets containing the narcotic substance was recovered and seized. The FSL examination confirmed the contents of those packets as diacetyl morphine (heroin).

6. Considering the submissions and the contents of the case diary, the fact that the applicant is continuously under detention since one year and the trial against the applicant is not yet concluded, the 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi