

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8048 of 2018**

- Punem Bhima S/o Punam Muya Aged About 24 Years R/o Bodinpara Dubba Tota Police Station Dornapal Tahsil Konta District Sukma Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Darbha District Bastar Chhattisgarh

---- Respondent

For Applicant	: Shri Pravin Kumar Tulsyan, Advocate.
For Respondent/State	: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/11/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 39/2017, registered at Police Station – Darbha, District- Bastar (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per the prosecution story, on 16.05.2017, on the basis of information received from an informant, present applicant along with co-accused person namely Kartami Hunga have been searched by the police personnels and total 77.40 Kgs. of contraband *Ganja* has been seized from their joint possession, offence has been registered and the present applicant is in custody since 16.05.2017.
3. Learned Counsel appearing on behalf of the applicant submits that the Applicant is innocent and has been falsely implicated in the case, mandatory provisions of the NDPS Act have not been complied with. He further submits that on the same facts and evidence, co-accused Kartami Hunga has already granted benefit of bail by this Court vide

order dated 19.09.2018 passed in M.Cr.C. No. 6018/2018, present applicant is in jail since 16.05.2017, charge-sheet has already filed and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the co-accused has already granted benefit of bail by this Court, the applicant is in custody since 16.05.2017, charge-sheet has already filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- 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