

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 34 of 2018**

Murugesh Mudliyar, S/o. Shri Guruswami Mudliyar, Aged About 50 Years, R/o. Chuunabhatti, P. S. -Ganj, District -Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : P. S. Ganj, Civil and Revenue District -Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/03/2018**

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.372/2017, registered at Police Station – Ganj, District – Raipur (C.G.) for the offence punishable under Section 20(B) of the 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. Applicant is in jail since 13.10.2017, charge-sheet has been filed against him after completion of investigation and so far the trial has not concluded against him and he is ready to abide by all the conditions that may be imposed while releasing him on bail, therefore, it is prayed that, he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant has a criminal history of one case under the provisions of Arms Act, one case under the provisions of IPC and one case under the provisions of NDPS Act, therefore, he may not be released on bail.
4. In reply, counsel for the applicant submits that applicant has been acquitted in prosecution under the provisions of Arms Act and also has been acquitted in another case under the various provisions of IPC and it is also submitted that applicant was on bail before he was arrested in this case, therefore, it is prayed that he may be released on bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. On search made by the police personnel of Police Station – Ganj, District – Raipur on the date of incident 10 Kg. of narcotics substance Ganja was found in the possession of this applicant and the seizure was made and the case has been registered against the applicant.
7. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and further considering the fact that the trial against the applicant will take sometime for its conclusion, applicant is in jail since 13.10.2017, he is local residents of District – Raipur, whose availability can not be compromised, if he is released on bail and no purpose would be served, if the, applicant is kept in detention till the conclusion of trial, 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.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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

Balram