

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8163 of 2017**

Saif Khan @ Saif Ali S/o Shri Akhtar Ali, Aged About 19 Years R/o Village Dahibazar Itwari, Police Station Shanti Nagar, Nagpur Maharastra.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Pawan Kesharwani, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.03.2018**

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.140 of 2017, registered at Police Station – Tumgaon, District - Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) 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. The contraband ganja, which was seized was not in possession of this applicant. The seizure memo wrongly shows the name of this applicant as joint purchaser of the ganja. The applicant is in jail since 23.9.2017 and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is permanent resident of Maharashtra and if he is released on bail he may not be available for the trial. 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, on a search made by the police personnel of P.S. Tumgaon, District Mahasamund, 8.2 kg of ganja (narcotic substance) alongwith other articles were found in possession of this applicant and the co-accused. Seizure was made showing the applicant and the co-accused in joint possession. Hence, this case.

6. Considering the material present in the case-diary, the case is already before the trial Court, the trial of the case is likely to take some time for its final disposal and the applicant has no criminal antecedents, I am of the considered opinion that the applicant deserves to be released on bail.

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

8. It is directed that the 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