

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8430 of 2018**

Prabhuram S/o Moharsay Aged About 65 Years R/o Village Chhindiya Police Station Patna ,district Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,police Of Police Station Patna District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Samir Singh, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.2208 of 2018 dated 16.5.2018 without considering on merits of the case. The applicant has been arrested in connection with Crime No.43 of 2018, registered at Police Station – Patna, District – Korea, Chhattisgarh for the offence punishable under Sections 20(B) and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.2.2018 and has been falsely implicated in this case. Till date, the charges have not been framed against the applicant which shows that the trial against the applicant is going to be delayed substantially. The applicant

is a local resident of police station Patna, District Korea, Chhattisgarh 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. 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 has a criminal history of having been prosecuted under the provisions of Indian Penal Code. Hence, for these reasons, the applicant is not entitled for grant of regular bail.

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

5. On a search made by the police personnel of P.S. Patna, District Korea, Chhattisgarh, 1.750 kg of ganja (narcotic substance) and some prohibited medicines (narcotic substances) was recovered and seized from the possession of the applicant. Hence, this case.

6. Considering the material present in the case-diary and looking to the delay that is occurred in the initiation of the trial against the applicant, I feel inclined to grant regular bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge