

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8877 of 2018**

Rajesh Kumar Jadhav S/o Umesh Jadhav Aged About 27 Years R/o
Tulsipura Thana Kharir Market District Bhagalpur Bihar, District :
Bhagalpur, Bihar.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Nagarnaar, District Bastar Chhattisgarh,
District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Shrivastava, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.11.2018**

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.194 of 2017, registered at Police Station – Nagarnaar, District – Bastar, Chhattisgarh for the offence punishable under Sections 20(B)(II)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.8.2017 and 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. Similarly placed co-accused persons have been granted bail by this Court in M.Cr.C. No. 7440 of 2018, vide order dated

12.10.2018. 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 huge quantity of contraband has been seized from the possession of the applicant and the co-accused persons. Hence, the applicant is not entitled for grant of bail.

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

5. 50 kg of ganja (narcotic substance) was seized from a car which was occupied by the applicant and the other 3 co-accused persons. Hence, this case.

6. Considered the material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been granted bail by this Court and the independent witnesses of search and seizure have not supported the prosecution case. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of regular bail.

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