

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 305 of 2019

- Kamal Kishore S/o Vijay Deshmukh Aged About 29 Years R/o Chandrakhuri, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Praveen Shrivastava, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/01/2019

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. 335/2018, registered at Police Station – Mohan Nagar, Durg, District – Durg, Chhattisgarh, for the offence punishable under Sections 20(B) of NDPS Act.
2. As per the prosecution story, on 31.08.2018, on the basis of a secret information received from an informant, police personnel searched the vehicle bearing registration no. CG 07 BL 5777 which was driven by co-accused Rajesh Sahu. On being searched, the present Applicant was also sitting in the said vehicle and total 5.4 kg of illicit ganja has been seized from the joint possession of the present Applicant and co-accused Rajesh. The Applicant has been taken into custody on 31.08.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further submits that the mandatory provisions of the act has not been complied with. Charge-sheet has been filed. The Applicant has no criminal antecedents, he is in custody since 31.08.2018 and trial will take 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedents, he is in custody since 31.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 20,000/- 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