

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 435 of 2019

- Khagpati Harijan S/o Late Shri Sambaru Harijan Aged About 33 Years
R/o Colony Sahi, Dhamonahadi, Koraput, District Koraput Odisha

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station City Kotwali, Jagdalpur, District Bastar Chhattisgarh

---- Respondent

For Applicant	: Mr. Ishan Verma, Advocate.
For Respondent/State	: Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/02/2019

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. 317/2017, registered at Police Station City Kotwali, District Jagdalpur (C.G.) for the offence punishable under Section 20 (B) (2-C) of the NDPS Act, 1985.
2. As per prosecution story, on 05.08.2017, on the basis of information received from an informant, one vehicle bearing Registration No. CG 04 DU 4044 has been searched by the investigating officer of the case. Allegedly, 21.450 Kgs. of Ganja has been found from the said vehicle which has been seized from the possession of the present applicant and two other co-accused persons and they have been arrested. The applicant is in custody since 05.08.2017.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and has been falsely implicated in the present case, mandatory provisions of the NDPS Act have not been complied with. He further submits that the other co-accused person namely

Kurtivas Batra has already granted benefit of bail by this Court vide order dated 26.11.2018 passed in MCRC No. 6244/2018. The applicant has no criminal antecedent, he is in custody since 05.08.2017, charge-sheet has already filed and trial will take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the other co-accused person namely Kurtivas Batra has already granted benefit of bail by this Court, the applicant has no criminal antecedent, he is in custody since 05.08.2017, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 2,00,000/- with two local solvent sureties each of Rs. 1,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge