

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 968 of 2019

- Manoj Kumar Bind S/o Arjune Bind, Aged About 25 Years, R/o Hamidpur, Police Station Janniya, District Gajipur (U.P.), District : Ghazipur, Uttar Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Ms. Mandavi Bhardwaj, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-02-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-01-2017 in connection with Crime No.32/2017 registered at P.S. - Ambikapur, District Surguja, Chhattisgarh for the offence under Section 20(ii)(C) and 20(ii)(A) of the N.D.P.S. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since about two years. The independent witnesses of search and seizure had been examined who have not supported the prosecution case. Apart from that, similarly placed co-accused persons Kallan Sah and Faisal Ahmed have been granted bail by this Court. Therefore, it is prayed that this applicant may also be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is resident of Uttar Pradesh, therefore, in case he is released on bail, he may not be available for trial before the concerned Court. Hence, the application may be rejected.

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

5. Police personnel of P.S. Ambikapur made a seizure of 42.7 kg. Ganja jointly from the possession of this applicant and two others who were traveling in a car. Hence, this case.

6. Considering on the material present in the case diary and looking to the hostility of the independent witnesses and also for the reason that similarly placed co-accused persons have been granted bail, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge