

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2067 of 2019

- Harish Mehra S/o Ram Rattan Mehra, Aged About 20 Years, R/o Maikal, Police Station- Bapavar, Rajasthan., Rajasthan

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Mainpur, Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri Pawan Kesharwani, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2019

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 28-01-2018 in connection with Crime No.6/2018 registered at P.S. - Mainpur, District Gariyaband, Chhattisgarh for the offence under Section 20(B) of N.D.P.S. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out. The applicant is in jail since 28-01-2018. Similarly placed co-accused persons have been granted bail by this Court. The Ganja that has been seized was not in conscious possession of the applicant, therefore, no case is made out against him. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is resident of State of Rajasthan, therefore, he may not be available for trial in case he is granted bail.

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

5. Police personnel of P.S. Mainpur, Distt. Gariyaband made seizure of

13.6 Kg. Ganja from possession of this applicant while he was traveling in a bus along with other co-accused persons. Hence, this case.

6. After considering on the material present in the case diary and considering the fact that the applicant is in jail since more than one year and trial has not completed till date and also that the similar 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