

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2505 of 2019

Prabhjot Singh, S/o. Shri Harpal Singh, Aged About 24 Years, R/o. Gol Chowk, Kabeer Nagar, Near Seema Beauty Parlor, Police Station- Kabeer Nagar, Tahsil- Raipur, Civil and Revenue District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Kotwali, Mahasamund, District- Mahasamund, Chhattisgarh. (Wrongly mentioned as P.S. Khallari).

---- Respondent

For Applicant : Mr. Yogesh Pandey, Advocate

For Respondent/State : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/07/2019

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.717/2018, registered at Police Station – Kotwali, Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 13.02.2018. The

witnesses of search and seizure have been examined before the trial Court, who have not supported the prosecution case. Therefore, nothing is left against this applicant. Therefore, it is prayed that the applicant may be enlarged on regular 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 it is a case of possession of huge commercial quantity of contraband, therefore, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of Police Station Kotwali, District Mahasamund stopped the car in which the applicant and two others were traveling. On searching the car, 48.1 K.G. Ganja was found in possession of this applicant and other co-accused persons. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. In the trial the witnesses of search and seizure have been examined. Copy of the deposition of the witnesses are filed along with the application, on perusal of which, it appears that they have not supported the prosecution, hence, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram