

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2219 of 2019

- Omkar Singh S/o Ful Singh Thakur, Aged About 47 Years, R/o Shiv Nagar, Nishadpura Colony, Bhopal, Police Station Chhola Mandir, District - Bhopal Madhya Pradesh. (In the impugned order sheet, name and address has not been mentioned, therefore applicant given the details as per charge sheet filed by the prosecution), District : Bhopal, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnaar, District - Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Vinod Kumar Tekam, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-04-2019

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 07-10-2017 in connection with Crime No.215/2017 registered at P.S. - Nagarnaar, District - Bastar, Chhattisgarh for the offence under Section 20 (B) (2-C) of Narcotic Drugs and Psychotropic Substances 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 against him. Similarly placed co-accused persons have been granted bail by this Court. The independent witnesses of search and seizure have not supported the prosecution case in the trial. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. In total 45 kg. Ganja was seized from the joint possession of this applicant and the co-accused persons, according to the prosecution case.

6. After considering that similarly placed co-accused persons have been granted bail by this Court on the ground that independent witnesses of search and seizure have not supported the prosecution case, 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