

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3166 of 2019

- Jagatram Prajapati S/o Kalpu Ram Prajapati Aged About 41 Years R/o Mudatola, Dharhar, Marwahi, P.S. Marwahi, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Marwahi (Wrongly Written As Sirgitti), District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rajeev Kumar Dubey, Advocate.

For Non-applicant/State : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-09-2019

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 11.02.2019 in connection with Crime No.12/2019, registered at Police Station—Marwahi, District- Bilaspur, Chhattisgarh for offence punishable under Sections 20 (B) of N.D.P.S. Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 11.02.2019. No case is made out against this applicant. One of the search witnesses and one weightment witness have been examined before the trial Court who have not supported the prosecution case. Further, the investigation of this case is not in accordance of the guidelines laid down in ***Mohan Lal Vs. State of Punjab***, reported in ***AIR (SC) 2018-0-3853***. Therefore, it is prayed that 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. According to the prosecution case, 13 kg Ganja has been seized from the possession of this applicant by the police personnel of Police Station- Marwahi, Bilaspur, C.G. Hence, this case.
6. Considering that the case is pending for trial and the same is getting delayed and also that some of the witnesses have been examined have not supported the prosecution case, therefore, 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.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge