

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3421 of 2019

- Sheikh Shahrukh, Sheikh Sattar, Aged About 26 Years, R/o Chunabhatti, Raman Mandir Ward, Near Hanuman Mandir, Police Station- Ganj, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Ganj, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Rajbahadur Singh, Advocate.

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-08-2019

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 26-04-2019 in connection with Crime No.168/2019 registered at P.S. - Ganj, Raipur, District Raipur, Chhattisgarh for the offence under Section 20B of NDPS Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 26-04-2019. This applicant has not committed any offence. The investigation in this case is complete. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has previous criminal records of having been prosecuted in 9 cases for various offences under the provisions of the IPC. Therefore, he is not entitled for grant of bail.

4. In reply it is submitted that in all the earlier cases the applicant had been on bail and there is no previous case against him under the provision of the NDPS Act.

5. Heard learned counsel for the parties and perused the case diary.
6. Police personnel of P.S. Ganj, Raipur, made seizure of 4.060 kg. Ganja from the possession of this applicant. Hence, this case.
7. Considering the facts that the applicant is local resident of District Raipur and it is about more than three months he is under detention and his availability for trial can be ensured by imposing condition, therefore, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge