

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3425 of 2019

Prakash Kumar Nishad, S/o Shyam Lal Nishad, aged about 46 years, R/o Dalli Rajhara, Post Office & Police Station Dalli Rajhara, Tahsil Doundi, District Balod (C.G.)

---- Applicant
(In Jail)

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Nagarnar, District Bastar (C.G.)

---- Non-applicant

For Applicant:	Mr. Shivendu Pandya, Advocate.
For Non-applicant:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

24/05/2019

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.50/2019, registered at Police Station Nagarnar, District Bastar, for the offence punishable under Section 20B of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on 6-3-2019, the applicant was found in possession of 10 Kgs. of Ganja.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The applicant is in jail since 6-3-2019. He further submits that co-accused Stephen Cherian has already been granted regular bail by a coordinate Bench of this Court in M.Cr.C.No.2664/2019 by order dated 1-5-2019 and the present applicant is also entitled for same treatment.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant and considering the fact that co-accused Stephen Cherian has already been granted bail by a coordinate Bench of this Court, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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.

Sd/-
(Rajani Dubey)
Vacation Judge