

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3469 of 2019

- Israil Khan S/o Saddam Khan, Aged About 33 Years, Caste Mohammadan, R/o Haldibadi, Police Station Chirmiri, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Kukanar, District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh

----Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2019

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 29-07-2018 in connection with Crime No.18/2018 registered at P.S. - Kukanar, District Sukma, Chhattisgarh for the offence under Section 20B of N.D.P.S. 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 29-07-2018. No case is made out against this applicant. This applicant was simply driver of the vehicle and not connected with the contraband which is alleged to have been seized. The independent witnesses of search and seizure have been examined, who have not supported the prosecution case. Further, the ratio laid down by Hon'ble the Supreme Court in the matter of **Mohan Lal Vs. The State of Punjab**, (2018) 2 S.C.E.J 1314 is also applicable in this case as the complainant and the I.O. is the same person. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the trial against the applicant is likely to be completed, therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of Police Station Kukanar, District Sukma stopped the vehicle driven by this applicant and during search 39.100 kg. Ganja was found which was seized from the joint possession of this applicant and the co-accused person. Hence, this case.
6. On perusal of the certified copy of the deposition of the witnesses of search and seizure, 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