

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3670 of 2019

Aalpiyas, S/o. Johano Nag, Aged About 26 Years, R/o. Village Baniyagaon,
P.S. Nagarnar, District Bastar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : P. S. Nagarnar, District Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anchal Kumar Matre, Advocate
For Respondent/State	: Mr. Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.227/2017, registered at Police Station –Nagarnar, District – Bastar (C.G.) for the offence punishable under Section 20 (b) (II-C) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 26.06.2018. No seizure of contraband has been made from the direct possession of this applicant. The independent witnesses of search and seizure in this case have been turned hostile, therefore, on this basis, the applicant is entitled for grant of regular bail. Therefore, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that seizure of commercial quantity of the contraband has been made in this case and the applicant is owner of the said car from which the seizure was made, therefore, there is ample evidence because of which, he is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. The police personnel of police station – Nagarnar has seized 70 KG. of Ganja from one car bearing registration No.C.G.-17-SS-2221. The applicant was apprehended later on and has been arrayed as an accused in this case.
6. Considered on the submissions made and the contents of the case diary. After considering on the material present in the case diary and also perusing the deposition of the independent witnesses, who have not supported the prosecution case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge