

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3758 of 2019

- Sushil Katiyar, S/o Late C.P. Katiyar Aged About 47 Years R/o C-43, Tagore Nagar, Police Station- City Kotwali, Raipur, District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, Civil And Revenue District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Ms. Madhunisha Singh, Advocate.

For Respondent : Mr. K. K. Singh, G.A.

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

14/06/2019

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant. The applicant has been arrested in connection with Crime No. 90/2019, registered at Police Station- City- Kotwali, District- Raipur (C.G.) for the offence punishable under Section 22 of N.D.P.S. Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against this applicant according to the evidence present on record. The investigation in this case has not been fair as the complainant and the investigator in this case is same person which is clearly hit by the law laid down in case of ***Mohan Lal Vs. State of Punjab*** reported in ***AIR***

(SC)-2018-0-3853, the applicant is in jail since 26.02.2019 and the charge-sheet has been filed after completion of the investigation. Therefore, it is prayed that this applicant be granted bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. I have heard learned counsel for both the parties and perused the copy of deposition of witnesses filed along with the application.
5. Certain drugs having prohibited contents under N.D.P.S. Act has been seized from the possession of this applicant. Total quantity of the prohibited contents was 325 mg. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case dairy, it appears that the complainant and the investigator in this case is the same person and also looking to the length of detention of the applicant in jail and for the reason that there is no likelihood of completion of trial in near future, I feel inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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)
Vacation Judge