

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3948 of 2019

- Darasingh Chandra @ Ashok Chandra @ Bhancha S/o Kapilnath Chandra, Aged About 33 Years, R/o Galgaladih, Police Station Jaijaipur, at present resided at Subhash Block, Behind Kali Mandir, Manikpur, Police Chowki Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Saragaon, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri D.Kushwaha, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2019

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 16-03-2019 in connection with Crime No.17/2019 registered at P.S. - Saragaon, District Janjgir Champa, Chhattisgarh for the offence under Section 20(B) of the N.D.P.S. Act and Section 420, 468, 471, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 16-03-2019. No case is made out against this applicant. He has been made accused in this case only on the basis of memorandum statement given by the co-accused person. Apart from that, there is no witness to make statement of identifying this applicant as being present on the spot where the contraband was seized and apart from that, no TIP has been conducted of the applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that it is a case of seizure of a huge quantity of contraband in transportation of which this applicant was involved, therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident police personnel of P.S. Saragaon, District Janjgir Champa made seizure of 200 Kg. Ganja from one Innova car from the possession of co-accused person Krishnadas. The co-accused has made a statement on memorandum that this applicant was in his company, but he made his escape before the raid was conducted. Hence, this case.

6. Considered on the material present in the case diary. As the case is this, that apart from the memorandum statement there is no other evidence against the applicant, therefore, 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