

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3941 of 2019

- Rohit Sharaf S/o Krishno Sharaf (wrongly written as Ushno Sharaf), Aged About 24 Years, R/o Thakurpali, P.S. Lakhna, District Nuvapada (Odisha)., District : Nuapada, Orissa

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Chhura, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Ms. Pushplata Khalkho, Advocate.

For Non-applicant/State – Mr. Aditya Sharma, 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 26-03-2019 in connection with Crime No.49/2019 registered at P.S. - Chhura, District Gariyaband, Chhattisgarh for the offence under Section 20(B)(ii-c) 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. The applicant is in jail since 26-03-2019. Charge sheet has been filed after completion of the investigation and trial is likely to take some time. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is resident of Orissa, therefore, his availability for trial cannot be secured. Hence, it is prayed that the application may be rejected.

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

5. 4.9 Kg. Ganja has been seized from the possession of this applicant by

police personnel of P.S. Chhura, District Gariyaband while he was transporting the same.

6. On perusal of the material present in the case diary and considering that the quantity of contraband seized is although more than small quantity, but less than commercial quantity and there is likelihood of delay in trial, 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