

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3977 of 2019

- Arif Ahmad S/o Naim, Aged About 27 Years, R/o Patti Musalmanan, Police Station- Syana, District- Bulandshahar, Uttar Pradesh., District : Bulandshahar, Uttar Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Tongpal, District- Sukma, Chhattisgarh., District : Sukma, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vedant Bhelonde and Shri P.R. Patankar, Advocates.

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2019

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 15-01-2019 in connection with Crime No.04/2019 registered at P.S. - Tongpal, District- Sukma, Chhattisgarh for the offence under Section 20(b) 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 15-01-2019. No case is made out against him. The independent witnesses of search and seizure have been examined before the trial Court who have not supported the prosecution case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is resident of Uttar Pradesh, therefore, in case he is released on bail he may not be available for trial. 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. Tongpal, District- Sukma made a seizure of 15.890 kg. Ganja from the possession of this applicant. Hence, this case.

6. Considered on the material present in the case diary and also perused the certified copy of the deposition of the witnesses who have been examined in trial. The independent witnesses of search and seizure have not supported the prosecution case. Therefore, looking to this development, 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