

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4003 of 2019**

Awdhesh Verma S/o Deshraj Verma Aged About 28 Years R/o Village Chhalera, Sector-44, Gali No. 1, Gautam Buddha Nagar, Noida, P. S. Sector-3, Noida District Gautam Buddha Nagar Uttar Pradesh Permanent R/o Balughat, P. S. Khidirpur, District Malda Town W. B.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station G. R. P. Raipur, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Rekhraj Baghel, Advocate.
For the Respondent/State : Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2019**

Heard.

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.200 of 2018, registered at Police Station – G.R.P., Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.7.2018 and has been falsely implicated in this case. The independent witnesses of search and seizure have been examined before the trial Court who turned hostile and not supported the prosecution case,

therefore, nothing is left in the prosecution against the applicant. Hence, it is prayed that the applicant be enlarged on 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 the applicant is resident of West Bengal and his availability for the trial shall be compromised if he is released on bail. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, 12 kg of ganja (narcotic substance) was seized from the possession of this applicant by the police personnel of police station GRP, Raipur while the applicant was waiting to board the train in the platform. Hence, this case.

6. Considering the fact that the independent witnesses of search and seizure have not supported the prosecution case and the trial against the applicant is still pending before the concerned trial Court, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge