

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4038 of 2019

- Prahlad Rawat (Kol) S/o Shri Daduram, Aged About 27 Years, R/o Sukhdas Bandhatola, Police Station Indwar, District Umaria, Madhya Pradesh, Civil and Revenue District Umaria Madhya Pradesh., District : Umaria, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Bastar, District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Ajay Mishra, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His earlier application filed before this Court for grant of regular bail, MCRC No.576/2019 was dismissed as withdrawn on 14-06-2019. The applicant has been arrested on 09-03-2018 in connection with Crime No.97/2018 registered at P.S. - Bastar, District Bastar, Chhattisgarh for the offence under Section 20(B) of NDPS Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-03-2018. The trial against him has still not concluded, whereas, the co-accused has been granted bail by the coordinate Bench of this Court. 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 Madhya Pradesh, therefore, if he is released on bail, he may not appear in the trial. Hence, his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, 19.6 kg. Ganja was seized from the possession of this applicant by police personnel of Police Station Bastar, District Bastar.
6. Considering that the trial against this applicant has prolonged and also that the co-accused person, who is claimed to be similarly placed compared to this applicant, has been granted bail by the coordinate Bench of this Court, 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