

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4218 of 2019

- Harun Khan, S/o Abdul Hasan, aged about 30 years, R/o Village Badagaon Kotra, P.S. Sahawar, District : Kashganj, Uttar Pradesh

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station – Singhoda, Saraipali, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	: Shri Rajesh Jain, Advocate.
For Respondent/State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

04/09/2019

1. The applicant has preferred this *first bail application* under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 24/2019, registered at Police Station Singhoda, Saraipali, District – Mahasamund (C.G.) for the offence punishable under Section 20 B of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per prosecution story on 22.02.2019, on the basis of information received from the informant, investigation officer of the case searched vehicle bearing registration number DL 4C NA 5466, at that time, the applicant was seated in the vehicle. After being searched, total 50 Kgs. of contraband *Ganja* has been seized from the said vehicle and he has been arrested on

22.02.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied with. Relying upon the judgment dated 16.08.2018 passed by the Hon'ble Supreme Court passed in CRA No.1880/2011 (Mohanlal Vs. State of Punjab) and the judgment dated 11.02.2019 passed by the Hon'ble Supreme Court in CRA Nos. 2450-2451/2010 (Virendra Kumar Vs. State of Himachal Pradesh), learned counsel further submits that in the instant case Sub-Inspector of Police Station Singhoda, Saraipali, who recorded the first information report, is the only officer who investigated into the entire matter and therefore, in the light of above judgments of the Hon'ble Supreme Court, the whole trial is vitiated. He further submits that the applicant is in custody since 22.02.2019 and trial will likely to take some time, therefore, he may released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the above facts and circumstances of the case, evidence collected by the prosecution, arguments advanced and the judgments of the Hon'ble Supreme Court relied upon by the learned counsel for the applicant and further considering the fact that the applicant is in custody since 22.02.2019 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs.4,00,000/- with two local solvent sureties each of Rs.2,00,000/-, to the satisfaction of the trial Court, for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge