

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4563 of 2019

- Vijay Pal @ Vicky Sonkar S/o Deepupal Sonkar Aged About 27 Years R/o Ganpatipur, Police Station And District Farukhabad Uttar Pradesh., District : Farrukhabad, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

 For Applicant : Shri Vishnu Koshta, Advocate
 For Respondent/State : Shri Wasim Miyam, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

06.08.2019

1. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.136/2018, registered at Police Station Kondagaon, District Kondagaon(CG) for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the case of prosecution, on 30.5.2018, the applicant was illegally transporting Ganja (cannabis) in Skoda Car No. MH 04 BW 1143. On search, 87.410 kg Ganja was seized from the possession of the applicant. Based on this, offence was registered and the applicant was taken into custody on 30.5.2018.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the case and the witnesses have turned hostile. He submits the applicant is

in jail since 30.5.2018 and trial will take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly considering that the seizure witness has not supported the case of prosecution and the applicant is in jail since 30.5.2018, I am of the opinion that present is a fit case to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
9. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE