

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4851 of 2019

Lalit Patel, S/o. Rustom Patel, Aged About 28 Years, R/o. Behind Mukta Petrol Pump, Prem Nagar, Dumardhih, Thana Utai, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer Police Station- Utai, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vijay Kumar Sahu, Advocate
For Respondent/State	: Mr. Jitendra Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/08/2019

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.145/2019, registered at Police Station – Utai, District – Durg (C.G.) for the offence punishable under Section 20-B (II) (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 18.04.2019. The applicant has not committed any offence. The applicant was not in conscious possession of the contraband as it was seized from the restaurant of the applicant. The applicant is local resident of District - Durg. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. 6.55 KG. Ganja was recovered and seized from the possession of this applicant, which was kept in his restaurant by the police personnel of Police Station – Utai, District – Durg.
6. Considered on the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the fact that the case is now pending for trial and the applicant is resident of Durg and his availability for trial can be ensured by imposing conditions, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge