

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4826 of 2019**

Sharda Prasad Manikpuri S/o Late Fool Das Aged About 36 Years R/o Haldi Badi, Chirmiri, Police Station- Chirmiri, District- Korea, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Kukanar, District- Sukma, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Soumitra Kesharwani, Advocate.
For the Respondent/State	:	Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2019**

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.18 of 2018, registered at Police Station – Kukanar, District – Sukma, 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 29.7.2018 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.

Further, the investigation suffers from infirmity for the reason that the investigator and the complainant is the same person. Similarly placed co-accused – Israil Khan has been granted regular bail by this Court in M.Cr.C. No. 3469 of 2019 vide dated 23.07.2019. 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 commercial quantity of narcotic substance was seized from the possession of this applicant. 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, 39.100 kg of ganja (narcotic substance) was seized from the joint possession of this applicant and the co-accused while the same was transported in a vehicle. This applicant was driver of the said vehicle.

6. Perused the certified copy of the deposition of the independent witnesses of search and seizure who have not supported the prosecution case. The applicant is a local resident of this State. Hence, for these reasons, 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