

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5262 of 2019

- Pavan Ajabrao, S/o Ajabrao Aged About 32 Years Cast Jadhav, R/o Nihida Tahsil Barsi Takli, Police Station Pinjar, District Akola, Maharashtra.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Rajesh Jain, Advocate
For State/respondent	: Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.61/2018 registered at Police-Station-Keshkal, District-Kondagaon(C.G.) for the offence punishable under Section 20(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. He is in jail since 21.6.2018. This applicant has not committed any offence. The search and seizure witnesses have been examined, who have not supported the prosecution case, hence, it is prayed that applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that it is a case of seizure of huge commercial quantity of ganja, the narcotic substance, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of P.S.-Keshkal, District-Kondagaon made a seizure of 64.850 kg ganja the narcotic substance, from the possession of this applicant according to the prosecution case. Hence, this case.
6. On perusal of the certified copy of deposition of the independent witnesses of search and seizure, it is found that they have not supported the prosecution case. Therefore, looking to the facts and circumstances of the case, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, this bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge