

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5494 of 2019

- Baldev Kumar Jatav S/o Sureshchand Jatav Aged About 35 Years R/o Ward No. 16, Kirwadi Chowk, Thana Palwal, Tahsil And District Palwal, Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Mr. Sushil Sahu, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/09/2019

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. 141/2019, registered at Police Station Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act, 1985.
2. As per prosecution story, on 04.06.2019, on the basis of information received from an informant, investigating officer of the case Indra Kumar Thakur searched vehicle bearing Registration No. UP 81 AS 7070, at that time, the applicant was seated in the said vehicle. After being searched, total 21 Kgs. of contraband *Ganja* has been seized from his possession and he has been arrested on 04.06.2019 itself.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. Mandatory provisions of the NDPS Act have not been complied with. Relying upon the judgment dated 16.08.2018 passed by Hon'ble

Supreme Court passed in CRA No. 1880/2011 (Mohan Lal *Versus* The State of Punjab) and the judgment dated 11.02.2019 passed by Hon'ble Supreme Court in CRA Nos. 2450-2451/2010 (Virendra Kumar *Versus* State of Himachal Pradesh), learned counsel further submits that in the instant case also ASI Indra Kumar Thakur is the only officer who recorded the FIR as well as conducted the entire investigation in this case, therefore, in light of above judgments of Hon'ble Supreme Court, the whole trial is vitiated. He further submits that the applicant is in custody since 04-06-2019 and trial is likely to take some time. Therefore, the applicant may be 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.
6. Considering the 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 04-06-2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 1,00,000/- with two local solvent sureties each of Rs. 50,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge