

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5621 of 2019**

- Aasu Khan S/o Sattar Khan, aged about years, Resident of Kharak Sunvarsha, District Saharsa (Bihar)

---- Applicant**Versus**

- State of Chhattisgarh Through : the Police Station Keshkal District Kondagaon (C.G.).

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/10/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 56/2018 registered at Police Station - P.S. Keshkal District Kondagaon (C.G.) for the offence punishable under Section 20-B of Narcotic Drugs & Psychotropic Substance Act.
- The prosecution story, in brief, is that Police Personnel searched and seized total 111.340 Kg. contraband article cannabis (Ganja) from the possession of present applicant and other co-accused. Thereafter, the present applicant has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the independent seizure witnesses have not supported the prosecution case before the trial Court, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the detention period of the applicant, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail.
- Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:
 - That, the applicant shall furnish a specific, undertaking that while on bail, he will not commit any other offence especially relating to Ganja, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
 - That, the accused/applicant shall not act, in

any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu