

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5778 of 2019**

- Mohmmad Jamil S/o Mohmmad Hanif Aged About 60 Years R/o - Vill. Khopetara, Khariyar Road, Thana - Khariyar Road Jok, District Nuapara (Orissa), District : Nuapada *, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Police Thana - Mahasamund District- Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate.
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/11/2019**

1. 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.67/2017 registered at Police Station – Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 20 (B) of the N.D.P.S. Act.
2. It is the case of the prosecution that on 3.2.2017, on the information of the co-accused, the police has recovered 210 kg and 520 gm of Ganja (cannabis) from the house of the applicant. On the basis of above, offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have not been

complied with and the seizure witnesses have turned hostile. He further submits that the co-accused persons of the same Crime number have already been released on bail by this Court, vide order dated 29.8.2018 passed in connected MCRC Nos.5883/2018 and 5598/2018. He submits that as the applicant is in custody since 4.2.2017 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular, the applicant is in jail since 4.2.2017 and the co-accused persons have already been released on bail and charge sheet has been filed, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge