

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9299 of 2018

- Khemlal Khunte S/o Bhonduram Khunte Aged About 46 Years R/o Village Banjari, Police Station Sarangarh, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gharghoda, District Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Gurudev I Sharan, Advocate.
For Respondent/State : Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2019

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. 210/2018, registered at Police Station – Gharghoda, District- Raigarh (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per prosecution story, on 01.10.2018, on the basis of information received from an informant, investigating officer of the case namely Janak Ram Sahu (ASI) searched the applicant and seized total 30 kgs. of contraband ganja from the possession of the applicant. The applicant is in custody since on 01.10.2018.
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. He further submits that FIR has been lodged by Janak Ram Sahu (ASI) and also the investigation has been conducted by him, therefore,

the whole proceeding which was done by him is vitiated. Learned Counsel for the applicant further submits that the applicant has no criminal antecedent, he is in custody since 01.10.2018, charge-sheet has already been filed and trial will take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant has no criminal antecedent, he is in custody since 01.10.2018, charge-sheet has already been filed and trial will 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge