

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9844 of 2018**

Kallan Sah S/o Sajjid Shah Aged About 26 Years R/o Saraygovind, Sadiyaganj, District- Gazipur, Uttar Pradesh., District : Ghazipur, Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Smt. Anju Ahuja, Advocate.
For the Respondent/State : Shri Arun Shukla, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.01.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.32 of 2017, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Section 20(ii)(C) and 20(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Similarly placed co-accused person has been granted regular bail by this Court. The independent witnesses of the seizure and other procedure have been examined who turned hostile and

not supported the case of the prosecution. The applicant is in jail since about two years and the trial against the applicant is still not concluded. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the possession of the applicant and the co-accused persons. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. 42.7 kg of ganja (narcotic substance) was seized from the vehicle in which this applicant and the co-accused persons were traveling. Hence, this case.

6. Considering the submissions made and as per the contents of the case diary, the fact that the co-accused has been granted bail, I am of the view that the present is a fit case for grant of regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi