

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 126 of 2020**

- Prakash Sarkar son of Shri Ravindra Sarkar, aged about 28 year, R/o village Namoraddo, M.V. 85, Malkhangiri, District Malkhangiri (Odisha)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Darbha, District Bastar (C.G.)

---- Respondent

For Applicant	:	Shri N.K. Chatterjee, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.07/2018, registered at Police Station - Darbha, District Bastar (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of police station Darbha, acting on a tip-off, seized 100.00 kilogram contraband article cannabis from the possession of the applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 23.01.2018.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. He also submits that the memorandum and seizure witnesses have

not supported the case of the prosecution. It is next submitted that the applicant is in custody since 23.01.2018, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, in particular the quality of evidence, and further considering the fact that the applicant is in custody since 23.01.2018 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge