

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1314 of 2020**

- Santosh Pandey S/o Krishna Pandey Aged About 23 Years R/o Gonihyatoli Bairiya, Thana - Bairiya District Baliya (U.P.), District : Ballia, Uttar Pradesh

---- Petitioner**Versus**

- State Of Chhattisgarh Through P.S. Sariya, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/003/2020**

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.177/2019, registered at Police Station - Sariya, District Raigarh (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 Sariya, acting on a tip-off, seized 110.5 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 02.12.2019.
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 other co-accused namely Nirmal Das Bairagi in MCRC No.444/2020 has already been granted bail by this

Court vide order dated 06.03.2020. He next submits that the applicant is in custody since 02.12.2019, 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 record.
6. Considering the facts and circumstances of the case, in particular the quantity of ganja, and further considering the fact that other co-accused person has already been granted bail by this Court, the applicant is in custody since 02.12.2019, charge sheet has been filed 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge