

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7908 of 2019**

- Krishnadas Mahant, S/o Buchkudas Mahant, Aged About 34 Years, R/o Old Power House Kashi Nagar Korba, Police Outpost - Rampur, Police Station - Kotwali Korba, District - Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Officer In Charge Police Station - Saragaon, District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devesh G. Kela, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.02.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 17/2019 registered at Police Station- Saragaon, District - Janjgir-Champa, (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act and Sections 420, 471, 467, 34 of I.P.C.
2. The prosecution story, in brief is that, on 17.02.2019, on the basis of information, police personnel searched and seized about 200 Kg Ganja from the possession of the applicant. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the mandatory provisions of the NDPS Act have not been complied with in its letter and spirit. The applicant is in jail since 17.02.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, in particular the quantity of ganja and further considering the facts that seizure memorandum witnesses PW-1, PW-2 and PW-6 has not supported the prosecution case before the trial Court. The applicant is in jail since 17.02.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one solvent surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**