

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7948 of 2019**

Omprakash Soni, S/o Late Puranchand Soni, aged about 35 years, R/o Devtal, near Hetkani School, Nagpur Road Garha, P.S. Garha, District Jabalpur (M.P.)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Kondagaon, District – Kondagaon (C.G.)

----Non-applicant

For Applicant	:	Mr. R.K. Jain, Advocate.
For Non-applicant	:	Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****27/01/2020**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 18/2018 registered at Police Station Kondagaon, District – Kondagaon for the offence punishable under Section 20-(B)(ii)(c) of the N.D.P. S. Act.

(2) According to the prosecution story, on the basis of information received from an informant, Police Personnel searched and seized total 100 Kgs. & 34 gms. contraband article cannabis (Ganja) from the possession of applicant and thereby committed the aforesaid offence.

(3) Learned counsel appearing on behalf of the applicant submits that applicant has falsely been implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that memorandum

seizure witness to the incident has not supported the case of the prosecution and has turned hostile. He also submits that applicant is in detention since 14.01.2018; there is no criminal antecedents appearing against the applicant; and trial is likely to take some more time for its final disposal, the applicant is entitled for regular bail.

(4) Per contra, learned counsel appearing on behalf of the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties.

(6) Looking to the nature and gravity of the offence, particularly the facts that applicant is in detention since 14.01.2018; memorandum seizure witness to the incident has not supported the prosecution case; there is no criminal antecedents appearing against the applicant and that the trial is likely to take more time for its final disposal, this Court is of the opinion 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 local 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

