

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8303 of 2019**

- Rohit Kumar Gautam S/o Late Ramjeet Gautam Aged About 21 Years R/o Village - Bhatekhurd, Post - Dhadhar, Police Station - Aaspur Devsara, District - Pratapgarh, Madhya Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station - Keshkal, District - Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shobhit Koshta, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/02/2020**

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. 34/2018 registered at Police Station-Keshkal, District - Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. The prosecution story, in brief is that, on the basis of information received by the informant police personnel searched Swift Desire bearing Registration No. MP-09-CQ-3584 and seized 59.010 Kg. cannabis (Ganja) from the possession of the present applicant and other co-accused person. Thereafter, offence has been registered against the present applicant and other co-accused person.
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 memorandum seizure witnesses have turned hostile and the co-accused person

have already been granted bail in MCRC No. 824/2019 so, the present applicant may also be granted benefit of bail. The applicant is in jail since 27.02.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant 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 nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the co-accused has already been granted bail and the memorandum seizure witnesses have not supported the prosecution case. The applicant is in jail since 27.02.2018 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 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.

Sd/-
(Rajani Dubey)
Judge