

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 146 of 2021**

Vicky Chawariya, S/o Manoj Kumar Chawariya, Aged About 21 Years R/o -
Bhanpur Chouraha, Patel Colony, Vidisha Road, Bhopal, Police Station -
Chhola Mandir, District : Bhopal, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - Police Station - GRP, Raipur District -
Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pushkar Sinha, Advocate.
For the Respondent/State : Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.06.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.123 of 2020, registered at Police Station – GRP, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.12.2020 and has been falsely implicated in this case. The contraband was not seized from the possession of this applicant. In fact, the contraband was in possession of another person who had brought the

applicant to give employment as labour. The other person has not been made as an accused, therefore, it is a clear case of false implication of this applicant and this is found clarified from the statement of the witnesses under Section 161 of the Cr.P.C. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the procedure of search and seizure, the contraband has been recovered at the instance and from the possession of this applicant. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on the date of incident, the police personnel made a search of this applicant and he was found in possession of 12 kg of ganja (narcotic substance), which was seized accordingly and the case was registered against him.

6. Considered the submissions and the documents present in this case. As it appears that the charge-sheet has been filed, the case is now pending for trial and the speedy progress in the trial cannot be expected under the present pandemic situation. Hence, under these circumstances, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge