

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 974 of 2021**

Shakir Shah, S/o. Ismile Shah, aged about 48 years, R/o. Dimni, Police Station City Kotwali Murena, District Murena (Madhya Pradesh).

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police of Police Station Arjuni, District- Dhamtari (Chhattisgarh).

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/06/2021

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.135/2020, registered at Police Station – Arjuni, District – Dhamtari (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since about more than one year and the trial against him is not making any progress. Hence, the applicant is entitled for grant of 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 it is a case of seizure of commercial quantity of cannabis from the

possession of this applicant and one another co-accused. Therefore, the applicant is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, seizure of 23.7 Kg. Ganja was made from the possession of this applicant and one another co-accused Jitendra Sharma. Hence, this case.
6. Considered on the submissions and the facts of the case. Only for the reason that the case is pending since more than one year and the trial is not making any progress because of the continuation of pandemic situation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge