

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1785 of 2021

- Shivam Kesharwani S/o Late Rakesh Kesharwani (wrongly mentioned as Kesarwani), Aged About 18 Years, R/o Manjhanpur, Hichaul, Police Station Kokhraj District Kausambi (U.P.), District : Kaushambi *, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Devendra Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri S.P. Sahu, Advocate.

For State/Non-applicant – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-09-2020 in connection with Crime No.69/2020 registered at Police Station – Devendra Nagar, Raipur, District Raipur, Chhattisgarh for the offence under Section 20-B of N.D.P.S. Act.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail since 10-09-2020. No such offence has been committed as alleged against him. The trial is not making any progress. Therefore, it is prayed that the applicant be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the contraband has been seized from the possession of this applicant and further the applicant is resident of another State, therefore, in case he is granted bail, he may not be available for trial. Hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, 10.5 kg. cannabis was seized from the possession of this applicant and some seizure of cannabis has been made

from the other co-accused persons also and the total amount of cannabis seized is 27.5 kg. On that basis the case has been registered against the applicant.

6. Considered on the submissions. The case is now pending for trial and the trial is not making any progress because of continuation of the pandemic situation and not a single witness has been examined so far in the trial. Further, it is informed that co-accused has been enlarged on bail. Therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge