

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1908 of 2021**

Ashutosh Gedam, S/o. Yashwant Gedam, aged about 30 years, R/o. Vijay Rachna Apartment, No. S/1, Shivaji Nagar, Chandrapur, P.S. Ramnagar, Chandrapur (Maharashtra).

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Partapur, District North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent/State : Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/06/2021

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.4/2021, registered at Police Station – Partapur, District – North Bastar Kanker(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 12.02.2021. The applicant was driving the car, in which, other three accused persons were occupants. The contraband that was

seized was not the belonging of this applicant. Charge-sheet in this case has been filed and the trial is not making any progress. Therefore, it is prayed that the applicant may be released 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 seizure of 16.88 Kg. Ganja was made from the possession of this applicant and other co-accused persons jointly. Further the applicant is resident of State of Maharashtra and if he is released on bail, he may not be available for trial. Hence, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, police personnel of police station Partapur, District North Bastar Kanker apprehended the Swift Car No. MH-12LD-3224, which was driven by this applicant and occupied by three other accused persons. On search of the dickey of the car, cannabis was found packed in 13 packets. Total weight of this cannabis was 17.130 Kg., whereas exact weight of cannabis was 16.88 Kg.
6. Considered on the submissions and the facts of the case. Taking into consideration this fact that the applicant is in jail since 12.02.2021 and the trial is getting delayed due to current 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

Balram