

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3224 of 2021

- Subhas Mehar @ Rahul S/o Tiranga Mehar, aged about 26 years, Permanent Address Patnagarh, P.S. Patnagarh, District Balangir Orissa, Present Address Aditya Nagar, Check Gate Near Ambedkar College, Distt. Koraput (Orissa)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Bastar, Distt. Bastar (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, Advocate
For Respondent/State	:	Mr. Ajay Kumrani, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/07/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 128/2020 registered at Police Station Bastar, District Bastar (C.G.) for the offence punishable under Section 21 (b) of the Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. There is no evidence present against this applicant. He has been made accused in this case only for the reasons that in the mobile phone details of main accused Sharukh Khan, the name and mobile number of present applicant was found.

Therefore, prayer is made to release the applicant on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the transportation and smuggling of contraband is done through racket and this applicant is part of that racket, therefore, he has connection with the main accused. He prays to reject the bail application.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, a seizure of 84 kg cannabis was made from the possession of main accused Sharukh Khan. One another co-accused Juber Khan who was present on the spot is absconding. During investigation, the name of the present applicant is revealed in the mobile phone details of the main accused Sharukh Khan.
6. Considering the facts and circumstances of the present case, I feel inclined to allow this bail application and release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge