

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3552 of 2021**

Shivkumar Banjara, S/o. Anand Ram Banjara, aged about 38 years, Caste Nayak, resident of Village Kotba, Tilgodapara, Police Station Kotba, Tahsil Patthalgaon, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Tumla, District Jashpur Chhattisgarh.

---- Respondent

For Applicant : Mr. K.P. Sahu, Advocate

For Respondent/State : Mr. Sameer Uraon, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/07/2021**

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.24/2021, registered at Police Station – Tumla, District – Jashpur (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs Psychotropic Substance Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No offence has been committed by the applicant. The applicant is in jail since 22.04.2021. Charge-sheet in this case has been filed and trial is likely to take sometime for its conclusion. Hence, it is prayed that the applicant may 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 the applicant has criminal history, earlier in the year 2007 he was prosecuted for the offence under Section 302 of I.P.C. and again in the year 2010 for the offence Section 395 of I.P.C., therefore, he 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, police personnel of Police Station – Tumla, District – Jashpur made a seizure of 4.97 kg cannabis from the possession of this applicant. Hence, this case.
6. Considered on the submissions. Charge-sheet in this case has been filed and the case is now pending for trial. The earlier offence committed by the applicant are not of the similar nature, therefore, he may be having the criminal history, but so far he is not habitual offender under N.D.P.S. Act, hence for this reason, 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