

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4773 of 2021

- Ramjan Bhai Sheikh S/o Usman Sheikh, Aged About 45 Years, R/o Vatwa, Alif Nagar, Police Station Naroda, District Ahmadabad (Gujrat), District : Ahmadabad, Gujarat

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Farsagaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---Non-applicant

For Applicant – Shri Mukesh Srivastava, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2021

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 13-10-2020 in connection with Crime No.104/2020 registered at P.S. - Farsagaon, District Kondagaon, Chhattisgarh for the offence under Section 20 (B) (ii-C) of N.D.P.S. Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. It is submitted by learned counsel for the applicant that the applicant has suffered heart attack in jail, regarding which he has also been provided with treatment. Hence, it is prayed that considering the deteriorating health of the applicant, he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that report has been called from the jail authorities, in which there is no such finding that the applicant has suffered any heart attack and he requires any specialized treatment. Therefore, the applicant is not entitled for grant of bail on health condition.

4. Heard learned counsel for the parties and perused the case diary.

5. 78.5 kg. Ganja has been recovered from the possession of this applicant, on the basis of which the case has been registered against him.

6. It is a case of possession of the contraband more than commercial quantity, therefore, looking to the restrictions under Section 37 of the N.D.P.S. Act, the applicant is not entitled for grant of regular bail. However, the ground raised regarding the health condition of the applicant needs consideration.

7. The jail authorities have submitted medical report of the applicant that while in Central Jail Jagdalpur the applicant complained of chest pain, therefore, he was referred to Dr. B.R. Ambedkar Medical College Hospital, Raipur. Detailed check-up of the applicant has been conducted in which the investigations made have reported the condition of the applicant as normal in all respects and specifically there is no such report that the applicant has suffered any heart attack. Therefore, I am of this view that it is not a fit case for grant of regular bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge