

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5119 of 2021

- Rakesh Thakur S/o Kunwarlal Thakur Aged About 27 Years R/o Madan Mahal, Anna Basti Nagar, Sharda Chouwk, P.S. Garha, District- Jabalpur, (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Darbha, District- Bastar, Chhattisgarh

---- Non-applicant

For Applicant : Mrs. Kiran Jain, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

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 the first bail application filed for grant of regular bail. The applicants have been arrested on 15.09.2018, in connection with Crime No.43/2018, registered at Police Station- Darbha, District- Bastar, C.G. for offence punishable under Section 20-B(ii)(C) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicants that this applicant has been falsely implicated in this case. The applicant is in jail since 15.09.2018. Almost 3 years are going to be completed in detention, but the trial against the applicant has not made any progress and only 5 witnesses have been examined so far. It is further submitted that the witnesses of search and seizure has been examined and they have not supported the prosecution case in any manner, therefore, there

is nothing left against this applicant, hence, he should be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of Ganja seized is huge and more than commercial quantity and also looking to the restrictions under Section 37 of the N.D.P.S. Act, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, 730 gm Ganja was seized from the possession of this applicant and one co-accused person, when the same was being transported by them. Also there are no previous criminal antecedents present against this applicant. Hence, this case.
6. Considered on the submissions. Perused the certified copy of deposition of the witnesses of search and seizure, it is found that they have not supported the prosecution case in any manner. Therefore, this is a development in the case in favour of the applicant, which shall be subject to consideration by the trial Court. Also for the reason that the case is pending since about 2 years and 11 months so far and there are also 10 other witnesses to be examined in the trial, therefore, I am of this view that this applicant should be granted bail.
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