

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5077 of 2021**

- Baliram Kashyap @ Bharat Kashyap, S/o Late Budhram Kashyap, age about 30 years, Caste-Bhatra, R/o Village Chargaon, Post Mohalai, PS Bhanpuri, District Bastar (CG).

---- Applicant (In Jail)**Versus**

- The State of Chhattisgarh Through the Station House Officer, Out Post Bakawand, Police Station Nagarnaar, District Bastar (CG)

---- Non-applicant

For Applicant	:	Mr. Satish Gupta, Advocate
For Non-applicant	:	Mr. Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****25/10/2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 18.3.2021 in connection with Crime No.52/2021 registered at Police Outpost Bakawand, Police Station Nagarnaar, District Bastar (CG) for commission of offence under Section 20 (B) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of prosecution, in brief, is that based on secret information, police intercepted motorcycle bearing registration No.CG17-B-2656 and during search, recovered 27 kilogram of ganja from joint possession of applicant and co-accused Dishan Kashyap. Based on seizure of contraband, applicant

and co-accused were arrested on 18.3.2021.

3. Mr. Satish Gupta, learned counsel for applicant submits that applicant is innocent and has been falsely implicated in offence in question. Applicant does not know co-accused personally, he has taken lift from co-accused without knowing that he was illegally carrying *ganja* in his motorcycle. Charge sheet has been filed in which prosecution has cited total 18 witnesses, but till date only two witnesses have been examined including one seizure witness by name Shrawan, who has not supported prosecution case. In support of aforesaid contention, learned counsel produced copy of statement of Shrawan recorded before this Court and also supplied copy of the same to learned State Counsel. He submits that applicant is not having any criminal antecedent, he is in jail since 18.3.2021 and conclusion of trial is likely to take some time, hence applicant may be enlarged on regular bail.
4. On the other hand, Mr. Kapil Maini, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that total 27 kilogram of ganja was recovered from joint possession of applicant and co-accused, hence applicant is not entitled for grant of regular bail. However, he does not dispute the submission of learned counsel for applicant that applicant is not having any criminal antecedent.
5. I have heard learned counsel for parties.

6. Considering nature of allegations, period of pre-trial detention i.e. from 18.3.2021, submission made by learned counsel for applicant that seizure witness has not supported prosecution case, applicant is not having any criminal antecedent, without commenting anything on merits of case, I am inclined to release applicant on regular bail.
7. Accordingly, the application is allowed and 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 satisfaction of trial Court concerned on the conditions that;
- he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - he shall not, in any manner, tamper with the prosecution witnesses.
 - if applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-