

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5236 of 2021**

Sushanto Nag S/o Shri Sumanta Nag @ Samanta Nag Aged About 27 Years
R/o Banglaguda, Malkangiri,(Odisha).

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station-
Dornapal, District- Sukma, Chhattisgarh.

---- Respondent

For the Applicant : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.08.2021**

Heard.

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.41 of 2020, registered at Police Station – Dornapal, District – Sukma, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.3.2021 and has been falsely implicated in this case. The seizure of contraband was not made from the possession of this applicant. The applicant has been falsely implicated in this case only on the basis of the statement of owner of the vehicle, that the applicant had hired the vehicle

which cannot be a statement regarding the possession of the contraband. Hence, it is prayed that the applicant 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 is permanent resident of Orissa and if he is released on bail he may not be available for the trial. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, 10.345 kg of ganja (narcotic substance) was seized from one abandoned vehicle bearing registration No.OD-30-B-4860. The statement of the registered owner was recorded in which she mentioned the name of this applicant as the person who had hired her vehicle, on this basis this applicant has been arrayed as an accused in this case.

6. Considered on the submissions. The applicant does not have any criminal antecedents and the conclusion of the trial is likely to take some time for its final disposal, therefore, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge