

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5572 of 2021

- Naveen Kumar Rai S/o Shri Vinod Kumar Rai, Aged About 22 Years R/o Village Amethi Police Station Sanjhauli District Rohtas (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh, Through - Sho Sarkanda, Police Station Sarkanda District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-08-2021

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 applicant has been arrested on 02.03.2021, in connection with Crime No.269/2021, registered at Police Station- Sarkanda, Bilaspur, District- Bilaspur, C.G. for offence punishable under Section 20(B) of N.D.P.S. Act and Section 279 of I.P.C.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 02.03.2021. The applicant was employed as driver by the co-accused Omendra Sharma and the contraband seized did not belong to this applicant, therefore, there is no case present against him. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the co-accused is resident of State of Bihar, therefore, in case, he is granted bail, he may not be available for trial. Therefore, it is prayed that this applicant may not be enlarged on bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, on the date of incident, the car driven by this applicant met with an accident with a truck. The co-accused Omendra Sharma made escape from the spot, however, the police made search and seized 17.9 kg, which was being transported in that car, which was being driven by this applicant. Hence, this case.
6. Considered on the submissions. For the reason that this applicant does not have any criminal antecedent and there is likelihood of delay in conclusion of trial, I feel inclined to allow this application.
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 local 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