

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5790 of 2021

- Mohammad Arif S/o Shri Mohammad Yaseen, Aged About 32 Years, R/o Shukrawari Bazaar, Near Nagar Nigam Hospital, Gudhiyari, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Gudhiyari, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Pragalbha Sharma, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-09-2021

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 01-06-2021 in connection with Crime No.122 of 2021 registered at P.S. - Gudhiyari, District Raipur, Chhattisgarh for the offence under Section 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 01-06-2021. Charge sheet has been filed. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has criminal history, there are 25 previous cases registered against him for commission of offences under various provisions of the IPC and also C.G. Excise Act, therefore, he is habitual offender. Hence, his application may be rejected.

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

5. 2.595 kg. ganja was recovered and seized from the possession of this

applicant. Hence, this case.

6. Considered on the submissions. Considering that there is no antecedent against the applicant for commission of offence under the N.D.P.S. Act and also it appears that he was at liberty when was arrested in this case, which shows that he was not in detention in any of previous cases registered against him and further, there is likelihood of delay in trial in this case, therefore, 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 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