

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6384 of 2021

- Harishankar Patel S/o Late Shri Chandrama Patel, Aged About 42 Years, R/o Bikapur, Police Station Phulpur, District- Varanasi, Uttar Pradesh., District : Varanasi, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer Police Station- Kanker, District- Uttar Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

----Non-applicant

For Applicant – Shri Sushil Dubey, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2021

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 18-07-2019 in connection with Crime No.247/2019 registered at P.S. - Kanker, District- Uttar Bastar Kanker, Chhattisgarh for the offence under Section 20 (B) of the NDPS Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 18-07-2019. The co-accused in this case has been granted bail by the coordinate Bench in MCRC No.353 of 2021 vide order dated 23-02-2021. Therefore, this applicant is also entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that huge quantity of Ganja was seized from the possession of this applicant and co-accused person which was more than commercial quantity, although there is no criminal history against this applicant, but the applicant is resident of Uttar Pradesh, hence, if he is granted bail he may not be available for trial. Therefore, his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, 3 quintal 37.450 kg. Ganja was seized from the possession of this applicant and the co-accused when the same was being transported in a truck by the police. Hence, this case.
6. Considered on the submissions. The coordinate Bench has granted bail to co-accused Shivshankar Patel mentioning that the prosecution witnesses of search and seizure have not supported the prosecution case, hence, the same view is applicable to this applicant also. Therefore, for this reason 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