

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6548 of 2021

Raju Rathore S/o Maansingh Rathore Aged About 37 Years R/o Madpur, Lalpur,
P. S. Gaurella District Gaurella-Pendra-Marwahi Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Police Of Police Station City Kotwali, District
Mungeli Chhattisgarh ---- **Non-Applicant**

For the Applicant: Shri Shailendra Dubey, Advocate.
For the Non-Applicant/State : Shri Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24.09.2021

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.300/2021 registered at Police Station – City Kotwali, District – Mungeli, Chhattisgarh for the offence punishable under Section 20(b)/34 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the Applicant submits that the Applicant is in jail since 27.06.2021 and has been falsely implicated in this case. The investigation is pending. Hence, it is prayed that the Applicant may be enlarged on bail.
3. On the other hand, learned Counsel for the State, while opposing the bail application, submits that the present Applicant was in company of the other co-accused person from whose possession the contraband was seized, which was a case of possession of commercial quantity of ganja,

therefore, he is not entitled to be released on bail.

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

5. According to the prosecution case, 40 kgs of ganja was seized from the co-accused namely David Bhaskar and seizure of one mobile phone and some cash amounting to Rs.2,000/- has been made from the present Applicant. Hence, this case.

6. Considering the submissions and the facts present in this case, wherein no search and seizure of contraband has been made from the possession of the present Applicant and the trial of the case is likely to take sometime for its conclusion, 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 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 trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Priya