

(2018) 07 CHH CK 0362

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4650 Of 2018

Shailendra Pratap Singh And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 30-07-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 20(b)

Citation : (2018) 07 CHH CK 0362

Hon'ble Judges : Rajendra Chandra Singh Samant, J

Bench : Single Bench

Advocate : Ajay Mishra, Ashok Swarnkar

Final Decision : Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. This is the first bail application of the applicant 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.293/2017, registered at Police Station- Charama, District-Uttar Bastar Kanker, for the offence punishable under Section 20(b) of Narcotic Drugs Psychotropic Substances Act.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 17.12.2017. No case is made out against them. Out of 17 Page No.2 witnesses in the prosecution list so far 11 witnesses have been examined and none of them have supported the prosecution case. Hence, it is prayed that applicant be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that both the applicants are resident of Madhya Pradesh and they may not be available for the trial which may affect the proceeding of trial. Hence, no case is made out for grant of bail.

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

5. On a search made by the police personnel of PS-Charama, District- Uttar Bastar, 45 kg ganja the narcotic substance was recovered and seized from the possession of these applicants while they were waiting for bus at the bus stand Charama. Hence, this case.

6. Considered on all the material present in the case diary and also considered the certified copy of the deposition of the witnesses who have not supported the prosecution case. Hence, under these circumstances, I am of this view that this is a fit case where applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.