

(2018) 06 CHH CK 0004

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3900 Of 2018

Arun Singh

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: June 1, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(B)(ii)(c)

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Shobhit Koshta, Sanjeev Pandey

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. Heard.

2. Learned State counsel submits that the case-diary is available and both the parties are prepared to argue the case finally.

3. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has

been arrested on 15.11.2016 in connection with Crime No. 259/2016 registered at Police Station Kondagaon, District Kondagaon, C.G. for the offence

punishable under Section 20 (B) (ii) (c) of the NDPS Act.

4. The First Bail application bearing M.Cr.C. No.1372 of 2018 was dismissed as withdrawn on 21.03.2018.

5. As per the prosecution case, 100.51KG ganja was seized from a car bearing registration No.HR 26 Z 4282, which was occupied by this applicant

and other co-accused person. Thereby the offence has been committed.

6. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the applicant is in jail since 15.11.2016 and the trial is getting delayed as out of 17 witnesses only 6 have been examined till date. He further submits that the co-accused person namely Chandan Thakur has been granted bail by this Court in M.Cr.C. No.2239/2018 on 09.05.2018, therefore, the applicant may also be released on bail.

7. Per contra, learned State counsel opposes the prayer for grant of bail.

8. Considering the fact that the co-accused person has been granted bail by this Court on the ground of delay in trial and the applicant is in jail since

15.11.2016 and has suffered more than 1 & ½ years of jail sentence, I am inclined to release the applicant on bail.

9. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/-

with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.