

**(2018) 02 CHH CK 0212**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 7341 Of 2017

Hemant Baranwal

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Feb. 12, 2018

**Acts Referred:**

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

**Hon'ble Judges:** Rajendra Chandra Singh Samant, J

**Bench:** Single Bench

**Advocate:** Dharmesh Shrivastava, Vinod Tekam

**Final Decision:** Allowed

**Judgement**

Rajendra Chandra Singh Samant, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 100/2016, registered at Police Station - Nagarnar, District Bastar, Chhattisgarh, for the offence under Section 20 B of Narcotic Drugs and Psychotropic Substances Act.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The applicant is in jail since 31.05.2016 and he is ready to abide by the conditions which may be imposed upon him while granting bail, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that the applicant is a permanent resident of another State Sultanpur (U.P.),

if he is granted bail his appearance before the trial Court would be affected and that will affect the trial, hence, the applicant is not entitled for grant of bail.

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

5. On secret information received the police personnel of PS- Nagarnar, District Bastar, Chhattisgarh searched and seized 10.9 kg ganja from the possession of the present applicant. On the basis of this recovery the case was registered against him.

6. Considered, charge-sheet has been filed after completion of investigation and the trial is likely to take some time for its conclusion. According to the report received by the counsel for the State only three witnesses have been examined so far out of 13 witnesses. Hence, for this reason this Court is of the opinion that this is a fit case where the applicant should be released on bail.

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