

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1046 of 2017

1. Rahul Rai, S/o. Tuntun Rai, Aged About 30 Years, R/o. Village Golapur, Police Station -Jalalpur, District -Chhapra (Bihar).
2. Ranjeet Mishra, S/o. Shyama Mishra, Aged About 25 Years, R/o. Rampur, Police Station - Bhagwanpur, District Sivan (Bihar).

----Applicants

Versus

1. State Of Chhattisgarh Through: Station House Officer, Police Station-Dhamtari, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2017

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 applicants who have been arrested in connection with Crime No.481/2016, registered at Police Station – Dhamtari, District – Dhamtari (C.G.) for the offence punishable under Section 420, 120-B, 467, 468, 471, 419, 34 of the Indian Penal Code. .
2. As per the case of the prosecution, in brief, is that on 11.12.2016 on information received that the applicants are in process of transportation of Cannabis, a vehicle which was parked in the side of the road bearing No.JH-02-C/9057 was intercepted and from the vehicle different pass books were recovered along with cash and the present applicants were inmates of the vehicle. The vehicle was bearing No.C.G.-02-C-/9057 and second RC book found which was numbered as OR-9Q-7657.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. It is further submitted that both the seizure witnesses namely Piyush Gandhi and Babban have been examined and they have not supported the case of the prosecution, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that seizure witnesses have been examined and they have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statements. Considering the facts and circumstances of the case and further taking in to the fact that seizure witnesses have been examined and they have not supported the case of the prosecution, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge