

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5511 of 2017

Avinash Fransis S/o Anthony Fransis Aged About 23 Years R/o Jairam Nagar,
Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Janakpur, District Koriya,
Chhattisgarh.

---- Respondent

Shri Amit Kumar, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/11/2017

Heard.

The applicant has been arrested in connection with Crime No.15/2016 registered at Police Station – Janakpur, Koriya (CG) for alleged commission of offences under Section 20B of the NDPS Act.

2. Case of the prosecution is that from the possession of the applicant, total quantity of 215 Kg of Ganja was recovered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and false seizure was prepared from him. It is submitted that during trial, both the seizure witnesses have been examined but they have turned hostile and not supported the case of the prosecution. It is further submitted that the applicant is in jail since 03/04/2016, therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that trial is not complete, investigating officer is yet to be examined and looking to the quantity of Ganja alleged to be found from the possession of the applicant, the applicant may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the independent seizure witnesses have been examined and not supported the case of the prosecution and that the applicant is in jail since 03/04/2016, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- along with one local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge