

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 885 of 2018

Anup Kumar Tiwari S/o Thakur Prasad Tiwari, Aged About 27 Years R/o Village Raipura, Police Station Meja, District Allahabad (U.P.), District : Allahabad, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Keshkal, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sushil Dubey, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/04/2018

This is second bail application. Earlier bail application was dismissed as withdrawn

1. The applicant has been arrested in connection with Crime No.138/2016 registered at Police Station- Keshkal, District - Kondagaon (C.G.) for alleged commission of offence under Sections 20B NDPS.
2. Case of the prosecution is that from the possession of the applicant, 70 Kgs of Ganja was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. During the course of trial, both seizure witnesses have not supported the case of the prosecution and turned hostile. He submits that the applicant is in jail since 07/11/2016, therefore, he may be granted bail ensuring his presence during trial by imposing conditions.
4. On the other hand, learned State counsel opposes bail application and

submits that the independent witnesses of seizure may have turned hostile, in this case, the investigating officer is yet to be examined. Therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration the period of detention and the submission of learned counsel for the applicant that both the independent seizure witnesses have turned hostile and not supported the case of the prosecution, without commenting upon the merits of the case, the application is allowed.

6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

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