

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 870 of 2018

- Surat Rohilla S/o Gopal Prasad Rohilla Aged About 26 Years R/o Near Rajiv Ice Factory, Pathalgaon,, Police Station And Tahsil Pathalgaon, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

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MCRC No. 1545 of 2018

- Rohit Yadav S/o Bhimsen Yadav Aged About 30 Years R/o- Jamjhor, Police Station Bagbahra, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants : Mr. Surfaraj Khan & Mr. Ashish Gupta,
Advocates.
For Respondent : Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/05/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal

Procedure, 1973 are second bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.529/2017 registered at Police Station-Ambikapur, District – Surguja(C.G.) for the offence punishable under Sections 20 (b) & 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 10.9.2017. No case is made out against them. Trial is in progress in which the independent witnesses have been examined who have not supported the prosecution case. They are local residents of this State and are ready to abide by all the conditions and directions, which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. On the date of incident on 10.9.2017 on a search made by the police personnel of PS-Ambikapur, applicants were found in joint possession of 23.880 kg ganja the narcotic substance, which was seized and case was registered against these applicants. Hence, this case.
7. Perused the certified copy of the deposition of independent witnesses filed along with the application and it is apparent that the independent witnesses have not supported the case of prosecution because of which they have been declared hostile. Applicants are local residents of this State and their availability before the trial Court shall not be compromised if they are enlarged on regular bail, for this reason, I am

of this view that this is a fit case where applicants should be enlarged on regular bail.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha