

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1164 of 2018**

Rajesh Jain S/o Late Hukum Chand Jain Aged About 33 Years R/o Village- Noha, Tahsil- Jebera, Police Station Noha, District- Damoh (M.P.), District : Damoh, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Chowki Khandsara, Police Station Bemetara, District- Bemetara (C.G.), District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.04.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 6.11.2017 in M.Cr.C. No. 5897 of 2017. The applicant has been arrested in connection with Crime No.449 of 2017, registered at Police Chowki Khandsara, Bemetara, District – Bemetara, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant is in jail since 27.7.2017 and he has been falsely implicated in this case. After filing of charge-sheet, trial has commenced and the independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. On a search made by the police personnel of Police Chowki Khandsara, Bemetara, District Bemetara, 6 kg of ganja was recovered from the possession of this applicant. Hence, this case.
6. The applicant is in jail since 27.7.2017 and the fact that the trial against the applicant is still pending before the concerned trial Court. On perusal of the certified copy of the deposition of the independent witnesses produced alongwith the application, it appears that he had been declared hostile and has not supported the case of the prosecution. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge