

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.2548 of 2018

1. Ramchandra Alang S/o Sonadhar, aged about 27 years, R/o Mangarjodi (Mangaljori), Post Somnathpur, P.S. Orkel, District Malkangiri (Odisha).
2. Kamlochan Kurtadih S/o Jagbandhu Kurtadih, aged about 30 years, R/o Pillakusmi, Post Somnathpuri, P.S. Orkel, District Malkangiri (Odisha).

---Applicants

Versus

State of Chhattisgarh, Through – Police Station Bodhghat, District Basar (C.G.).

---Respondent

For applicants	:	Shri Rajesh Kumar Jain, Advocate.
For resp./State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam KoshyOrder on Board08/05/2018

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.215/2016 registered at Police Station Bodhghat, District Bastar (C.G.). for the offence punishable under Section 20-B of NDPS Act.
2. Present applicants are in jail since 16/07/2016.
3. The allegation against the present applicants as per the prosecution case is that, the present applicants were found in possession of 5 K.G. of Gaanja on a Motorcycle on 16/07/2016.
4. The counsel for the applicants submits that the present applicants has been falsely implicated in the instant case.

5. According to the counsel for the applicants, the ownership of the vehicle in which the alleged contraband was seized itself has not been established by the prosecution. Even otherwise, the contraband was seized from the underneath the seat of the Motorcycle and until unless the ownership has been established, it would be difficult to say that the present applicants were responsible for placing the said contraband underneath the seat of the Motorcycle. He further submits that even otherwise, the material independent witness have already turned hostile and have not supported the case of the prosecution. He further submits that the applicants in the instant case has already remained in custody for a period of almost 1 year and 10 months and thus prayed for releasing the applicants on bail.

6. The State counsel however opposing the bail application submits that, considering the quantity of contraband seized from the possession of the present applicants which was 5 K.G., they did not deserve bail at this juncture and thus prayed for rejection of the bail application.

7. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the fact that the independent seizure witness have not supported the case of the prosecution and have turned hostile so also considering the period of custody already undergone and also considering the fact that the prosecution also has not established the ownership of the Motorcycle to be that of the present applicants, this Court is of the opinion that prima-facie a strong case has been made out for grant of bail to the present applicants.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.15,000/- with one local surety in the like sum to the satisfaction of the concerned Trial Court. The applicants shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit