

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3278 of 2018

- Anoop Kushwaha S/o Ramdev Kushwaha Aged About 35 Years R/o- Village Manikpur Thana- Nagor, District- Satna, (M.P.), District : Satna, Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Basna, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikas Pradhan, Advocate.
For Respondent	:	Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/07/2018

1. This is the second bail application of this applicant. The first bail application of this applicant was dismissed as withdrawn on 19.03.2018 in MCRC No.296/2018. This bail application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.415/2017, registered at Police Station Basna, District- Mahasamund, (C.G.) for the offence punishable under Section 20(b)(ii) (c) of Narcotic Drugs Psychotropic Substances Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 02.09.2017. After completion of investigation, charge-sheet has been

filed. The independent witnesses of search and seizure have been examined and they have declared hostile for not supporting the case of prosecution, hence, it is prayed that applicant be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On a search made by the police personnel of PS-Basna, District-Mahasamund, 30 kg ganja the narcotic substance was found to be transported by this applicant in his car which was seized. Hence, this case.
6. After considering on all the material present in the case diary, according to which the independent witnesses have not supported the prosecution case. Hence, looking to this development of things, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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