

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3480 of 2018**

Md. Anwar, S/o. Md. Kurban, aged about 45 years, Caste – Musalman, R/o. Mohalidih, P.S. - Tetul Mari Chowki, East – Barodiya, District – Dhanbad (Jharkhand)

---- Applicant**Versus**

State Of Chhattisgarh Through- the Police Station – Keshkal, District – Kondagaon (C.G.)

---- Respondent

For Applicant	:	Mr. A.N. Pandey, Advocate
For Respondent	:	Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/07/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 49/2017, registered at Police Station- Keshkal, District – Kondagaon (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act. The first bail application of the applicant has been dismissed as withdrawn with liberty to revive the same after examination of the material witnesses.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is in jail since 27.04.2017, which is a period of more than one year in detention and the trial against him is still not concluded. Further the witnesses of search and seizure have been examined and they have not supported the case of the prosecution, hence, under these circumstances, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is resident of Jharkhand and after his release on bail, the progress in the trial may be affected. Hence, the applicant may not be released on bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. In total 102 Kg. of Ganja was found in the dickey of the car of this applicant and he was the driver. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering this fact that the trial is still not concluded and since more than one year the applicant is in detention and it is also taken notice of from the certified copy of the statement of the witnesses examined before the Court that the independent witnesses of search and seizure have not supported the case of the prosecution, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge