

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3954 of 2018

- Jairam Das Bairagi S/o Santosh Das Bairagi, Aged About 27 Years, R/o Village Parahtoli, Police Station Bagbahar, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Mr. H.S. Ahluwalia, Advocate.

For Non-applicant/State – Ms. M.Asha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application filed before this Court was dismissed as withdrawn. The applicant has been arrested on 10-09-2017 in connection with Crime No.529/2017 registered at P.S. - Ambikapur, District Surguja, Chhattisgarh for the offence under Section 20(B) of NDPS Act.
2. It is submitted on behalf of the applicant that the applicant is in jail since 10-09-2017. The trial against this applicant has not concluded. Similarly placed co-accused persons have been granted bail on the ground of delay in conclusion of the trial. Hence, it is prayed that this applicant may also be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, a car was stopped for search by police personnel of P.S. Ambikapur which was occupied by this applicant and the co-accuse persons. On searching the car, 23.88 kg. Ganja was found in

possession of this applicant and the co-accused persons, which has been seized. Hence, this case.

6. Considered on the material present in the case diary and looking to the documents submitted along with the application, it appears that independent witnesses of search and seizure have been declared hostile by the prosecution for not supporting the prosecution case. Hence, for these reasons, I am of the view that the application deserves to be allowed.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge