

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4018 of 2018

1. Banwari Lal Gupta S/o Bachchu Prasad Gupta, Aged About 23 Years, R/o Village Piparha, Road Kinare, Near Handpump, P. S. Rajendragram, District Anuppur Madhya Pradesh, District : Anuppur, Madhya Pradesh
2. Ramnarayan Gupta S/o Ganesh Prasad Gupta, Aged About 30 Years, R/o Village Basniha Road Kinare, Post Lakhauraha, P. S. Rajendragram, District Anuppur Madhya Pradesh, District : Anuppur, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Shobhit Koshta, Advocate.

For Non-applicant/State – Shri Anant Bajpai, 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 applicants for grant of regular bail. Their first bail application was dismissed as withdrawn. The applicants have been arrested on 07-04-2016 in connection with Crime No.77/2016 registered at P.S. - Kondagaon, District Kondagaon, Chhattisgarh for the offence under Section 20(B)(ii)(c) of NDPS Act.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 07-04-2016. Trial against these applicants has still not concluded and independent witnesses of search and seizure who have been examined before the trial Court have not supported the prosecution case. Hence, it is prayed that they may be granted regular 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, on the date of incident police personnel of Police Station Kondagaon searched a car which had no number plate, in which, both these applicants along with two others were found occupying the car. On searching the car 40.8 kg. Ganja was found being transported, which was seized. Hence, this case.

6. In the present circumstances, there are reasons that trial has not concluded, whereas, the applicants are in jail for about more than 2 years and subsequently, the independent witnesses of search and seizure have turned hostile, and it appears that there is no likelihood that trial against these applicants is going to conclude soon. Hence, for these reasons, I am of this opinion that present is a fit case for grant of bail to these applicants.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge