

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4181 of 2018

1. Rajendra Gochar S/o Badrilal Gochar, Aged About 27 Years, R/o Ward No. 8 Nainwaroad, Navjeevan Colony, Bundi Thana Sadar, District Bundi Rajasthan, District : Bundi, Rajasthan
2. Jamuna Shankar Sen S/o Ramsawrup Sen, Aged About 27 Years, R/o Village Sawantgad, Badwali Gali Thana Dablana, District Bundi Rajasthan, District : Bundi, Rajasthan

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Komakhan, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2018

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 for want of prosecution. The applicants have been arrested on 28-09-2017 in connection with Crime No.116/2017 registered at P.S. - Komakhan District Mahasamund, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances 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 28-09-2017. No case is made out against them. The trial against them is pending before the concerned Court and so far only 4 witnesses out of 12 have been examined by the prosecution, because of which the applicants are languishing in jail without there being any fault on their part. Hence, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that both the applicants are resident of Rajasthan State, if they are released on bail, they may not be available for trial and progress of the trial shall be hampered.
4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel of P.S. Komakhan, District Mahasamund searched the vehicle in which the applicants were traveling and found that 30 kg. Ganja was being transported in the said vehicle, which was seized accordingly. Hence, this case.
6. Considered on the material present in the case diary. As it appears that almost about one year is going to be completed even then the trial against them appears to be at initial stage, hence, for this reason, I feel inclined to grant regular bail to these applicants during pendency of the trial against them.
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 local 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