

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3850 of 2018

- Manoj Kumar Singh S/o Shri Bhola Singh, Aged About 36 Years, R/o Tetulmari, Police Station Tetulmari, District- Dhanbad (Jharkhand), District : Dhanbad, Jharkhand

---- Applicant

Versus

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

---- Non-applicant

MCRC No. 4206 of 2018

- Bittu Singh S/o Late Gupteshwar Singh Aged About 35 Years R/o- Village And P.S. Tetulmari, District- Dhanbad (Jharkhand), District : Dhanbad, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh The Police Station Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Singh, Advocate (in MCRC No.3850/2018),
Shri Pravin Kumar Tulsyan, Advocate (in MCRC No.4206/2018).

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-07-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.172/2016, registered at Police Station Kondagaon, District- Kondagaon, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, they are being decided by this common order.

2. MCRC No.3850/2018 is second bail application before this Court filed by applicant Manoj Kumar Singh under Section 439 of the Cr.P.C. for grant of regular bail. His first bail application before this Court was dismissed as withdrawn. MCRC No.4206 is the first bail application before this Court filed by

applicant Bittu Singh for grant of regular bail under Section 439 of the Cr.P.C. Both the applicants have been arrested on 26-07-2016 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants are in jail since 26-07-2016. The trial against both the applicants has not been completed so far and also the circumstance that has arisen in favour of these applicants is this, that independent witnesses of search and seizure have not supported the prosecution case. Hence, looking to these circumstances, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the application submitting that a huge quantity of contraband has been recovered and seized from these applicants, hence, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on 26-07-2016 a vehicle bearing registration No.JH-10X-4340 was stopped by the police personnel of Police Station Kondagaon and searched. Both the applicants were found occupying the said vehicle. On search of the vehicle total 49.2 kg. Ganja was found in the vehicle being transported, of which seizure was made from both the applicants. Hence, this case.

7. Considered on the material present in the case diary and the change that has taken place according to the hostility of the independent witnesses. Further, it is almost two years both the applicants are in jail and the trial against them has still not concluded, hence, for these reasons, I feel inclined to grant regular bail to these applicants..

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil