

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4227 of 2018**

Amit Jaiswal, S/o. Munnilal Jaiswal, Aged About 22 Years, R/o. Village Bhadanpur, P. S. Badera, Tahsil Maihar, District Satna, M. P.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station Nagarnar, Jagdalpur, District Bastar Chhattisgarh

---- Respondent

For Applicant	:	Mrs. Kiran Jain, Advocate
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/07/2018**

1. This is the first 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.153/2015, registered at Police Station- Nagarnar, Jagdalpur, District – Bastar (C.G.) for the offence punishable under Section 20-B of Narcotics Drugs and Psychotropic Substance Act, 1985.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 11.08.2015, which is more than 3 years. So far in the trial against this applicant only six witnesses have been examined out of 23 witnesses and further the independent witnesses of search and seizure have not been supported the prosecution case. Hence, 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 huge quantity of the contraband i.e. 246.35 Kg has been recovered and seized from the possession of this applicant. Further this applicant is resident of Madhya Pradesh, who shall not appear before the trial Court, if he is released on bail. Hence, it is prayed that 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. On the date of incident, the police personnel of police station Nagarnar stopped and searched the vehicle bearing registration No.M.P. 20-GA-2789, in which 246.35 Kg. Ganja was being transported and this applicant was one of the passengers in that vehicle. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The trial against this applicant is getting prolonged and also the independent witnesses of search and seizure have been examined and they have not supported the prosecution case, 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 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