

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4585 of 2018**

1. Hemant Gaur S/o Late Arjun Singh Aged About 20 Years R/o- Premnagar Mandhideep, House No. 689, P.S. Mandhideep, District- Raisen, M.P., District : Raisen, Madhya Pradesh
2. Vishal Shivhare S/o Late Gopal Shivhare Aged About 20 Years R/o- Lamhahedha, Shardanagar, Bhopal, P.S.- Nisharpura, District- Bhopal, M.P., District : Bhopal, Madhya Pradesh.

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Shobhit Koshta, Advocate.
 For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.07.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.151 of 2017, registered at Police Station – Keshkal, District – Kondagaon, Chhattisgarh for the offence punishable under Section 20B(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 4.12.2017 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. The independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported the case of the prosecution. Hence, under these circumstances, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the possession of the applicants. Hence, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, on a search made by the police personnel of P.S. Keshkal, District Kondagaon, 75.670 kg of ganja (narcotic substance) was found being transported in the car in which both these applicants were travelling. Seizure was made accordingly. Hence, this case.

6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the witnesses produced alongwith the application, it appears that they have been declared hostile and have not supported the case of the prosecution. Hence, for these reasons, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge