

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4693 of 2018

1. Rajinder @ Rajendra Yadav And 1 Other S/o Rajkumar Yadav Aged About 42 Years R/o Kauhadhi, P. S. Baskhari, P. S. Phulpur, District Ambedkar Nagar Uttar Pradesh, District : Ambedkar Nagar *, Uttar Pradesh
2. Hiralal Giri S/o Late Bhagelu Giri Aged About 35 Years R/o Durbasha, P. S. Durbasha, P. S. Phulpur District Ambedkarkar Nagar Uttar Pradesh, District : Ambedkar Nagar *, Uttar Pradesh

---- Applicants

Versus

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

---- Respondent

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MCRC No. 4812 of 2018

- Ramesh Nishad S/o Dayaram Nishad Aged About 42 Years R/o- Bankat, Post- Yudhisteer, P.S.- Aahirola, District- Azamgarh, Uttar Pradesh., District : Azamgarh, Uttar Pradesh

----Applicat

Versus

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

---- Respondent

For Applicants : Mr. Shobhit Koshta, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Application of applicant Ramesh Nishad in MCRC No.4812/21018 is second bail application. His first bail application has been dismissed as withdrawn vide order dated 14.03.2018 in MCRC No.11/2018.
3. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 is first bail application on behalf of the applicant Rajinder @ Rajendra Yadav and another in MCRC No.4693/2018 and second bail application of applicant Ramesh Nishad in MCRC No.4812/2018 for grant of regular bail to them as they are in custody in connection with Crime No.75/2017 registered at Police Station-Kondagaon, District – Kondagaon(C.G.) for the offence punishable under Section 20 B(ii)(b) of NDPS Act.
4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants. The independent witnesses of search, seizure and weighment have not supported the case of prosecution. Out of total of 16 listed witnesses, only 3 witnesses have been examined so far. Applicants are languishing in jail without there being any fault on their part. Hence, it is prayed that applicants be enlarged on regular bail.

5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the quantity of contraband is 51.960 kg which has been recovered from the possession of these applicants, hence, they are not entitled for grant of bail.
6. Heard both the parties and perused the case diary.
7. According to the case against these applicants is this, on the date of incident a car bearing registration No.DL 8 CM 8871 was searched in which 51.96 kg ganja was being transported. The applicants were occupying the said car, hence, the seizure was made and the case has been registered against them.
8. Considered on the material present in the case diary, looking to the period of detention that the applicants have passed in jail and also considering the fact that the trial against them is getting prolonged, therefore, I feel inclined to grant bail to them.
9. Accordingly, the bail applications filed by the applicants in both the cases under Section 439 of the Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one local surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge