

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4969 of 2018**

Teras Ram Patel S/o Gulapi Ram Patel Aged About 29 Years R/o Jatraj Chandranagar, P. S. District Koba Chhattisgarh, District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Dharamjaigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Kumar Jaiswal, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.08.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application was dismissed as withdrawn on 18.4.2018 in M.Cr.C. No. 1308 of 2018. The applicant has been arrested in connection with Crime No. 228 of 2017, registered at Police Station Dharamjaigarh, District Raigarh, Chhattisgarh for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.8.2017 and has been falsely implicated in this case. No case is made out against the applicant 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, it is prayed that the applicant 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.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident, 38.900 kg of ganja (narcotic substance) was recovered from the vehicle in which the applicant was a passenger. Hence, this case.
6. Considering the material present in the case-diary, looking to the hostility of search and seizure witnesses and also looking to the pendency of the trial, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on 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 his 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