

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4859 of 2018**

Ashok Kumar Dwivedi S/o Rambahadur Dwivedi, Aged About 26 Years R/o Village Hanumanpur Police Station And Tahsil Karchhna, District Allahabad (U P).

---- Applicant**Versus**

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

---- Respondent

For the Applicant	:	Shri Vishnu Koshta and Shri Sushil Dubey, Advocates.
For the Respondent/State	:	Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 273 of 2018 dated 23.3.2018. The applicant has been arrested in connection with Crime No.257 of 2016, registered at Police Station Kondagaon, District Kondagaon, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant is in jail since 7.11.2016 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed and till date only

six witnesses have been examined out of the 16 witnesses. The trial is getting delayed and this applicant is languishing in jail without any fault on his part. 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. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the huge quantity of ganja (narcotic substance) has been seized from the possession of the applicant and he is also resident of other State. Hence, the applicant is not entitled for grant of bail.

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

5. On the date of incident, the applicant was travelling in unnumbered vehicle – Mahendra XUV, which was stopped by the police personnel of P.S. Kondagaon and searched 56.383 kg of ganja contained in 11 packets was seized from his possession. Hence, this case.

6. Considered the material present in the case-diary. As the independent witnesses have not supported the prosecution case and the trial against the applicant is getting prolonged, I am of the view that in this case the applicant deserves to be enlarged on 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