

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4796 of 2018

1. Mohammad Khalil S/o Late Mohammad Khalik, Aged About 27 Years, R/o- Singhikala, Post- Chauk, P.S.- Aajnagar, District- Bhojpur, Bihar., District : Bhojpur, Bihar
2. Mohammad Mojamnil S/o Late Mohammad Mahfuj Alam, Aged About 22 Years, R/o- Daulatpur, P.S.- Muftsil, District- Bhojpur, Bihar, District : Bhojpur, Bihar

---- Applicants

Versus

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

----Non-applicant

For Applicants – Shri Shobit Koshta, Advocate.

For Non-applicant/State –Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 22-03-2017 in connection with Crime No.73/2017 registered at P.S. Kondagaon, District- Kondagaon, Chhattisgarh for the offence under Section 20 B (ii)(C) of N.D.P.S. Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 22-03-2017. No case is made out against these applicants. The independent witnesses of search and seizure who have been examined before the trial Court have not supported the case of prosecution. Hence, it is prayed that the applicants may be released on regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that both the applicants are resident of Bihar State, hence, if they are released on bail, they may not be available for trial, which may hamper the trial of the case. Therefore, the application may be rejected.

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

5. In total 125.730 kg. Ganja was seized from the possession of these applicants while they were traveling in a car by police personnel of P.S. Kondagaon, Distt. Kondagaon. Hence, this case.

6. Considered on the material present in the case diary and also perused the certified copy of the deposition of the independent witnesses recorded before the trial Court, further, also taken into consideration the fact that out of 17 witnesses so far only 4 witnesses have been examined by the trial Court. Hence, for these reasons, I feel inclined to grant regular bail to these applicants.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 local surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed. In case of default in appearance by the applicant before the trial Court, the bail granted by this order shall automatically stand cancelled.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge