

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4983 of 2018

- Deep Narayan Singh Parihar @ Tinku S/o Shri Mohan Pratap Singh, Aged About 32 Years, R/o Village Post Jamadi, Police Station Anuppur, Distt. Anuppur Madhya Pradesh, District : Anuppur, Madhya Pradesh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Mr. Avinash Singh, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. His first bail application was dismissed for want of prosecution and second bail application has been rejected on merits. The applicant has been arrested on 24-02-2017 in connection with Crime No.07/2017 registered at P.S. - Kondagaon District Kondagaon, Chhattisgarh for the offence under Section 20(b)(ii)(B) of N.D.P.S. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 24-02-2017 and the trial against him is still not concluded. The development that had taken place is this that witnesses of search and seizure have not supported the prosecution case, because of which, they have been declared hostile, hence, under these circumstances, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. 77.057 kg. Ganja was recovered and seized from one abandoned vehicle by the police personnel of Police Station Kondagaon. This applicant was arrested after two months from the date of incident in connection with this offence. 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 of search and seizure who have not supported the prosecution case. Hence, looking to the change in circumstances of this case, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge