

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5105 of 2018

1. Ravi Kashyap S/o Radheshyam Kashyap Aged About 29 Years R/o Mohan Nagar P. S. Sahibabad, Arthla, District Ghaziabad, U. P.
2. Aakil Salmani S/o Eqbal Salmani, Aged About 21 Years, R/o New Haidan Vihar Mohan Nagar Ghaziabad District Ghaziabad U. P.
3. Fhurkan Qureshi, S/o. Sauddin Qurshi, Aged About 35 Years, R/o. Mohan Nagar P. S. Sahibabad, Ghaziabad District Ghaziabad U. P.

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Shobhit Koshta, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 101/2017, registered at Police Station- Keshkal, District – Kondagaon (C.G.) for the offence punishable under Section 20 (B) (ii) (c) of N.D.P.S. Act.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 12.09.2017. No case is made out against him according to the material present in the charge-sheet. The independent witnesses of search and seizure in this case have examined before the trial Court and they have not supported the case of the prosecution. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution case, 64.68 Kg. of Ganja was recovered from the possession of these applicants while they were travelling in a car. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present on record and also considering the statements of independent witnesses of search and seizure, who have been examined before the trial Court and have not supported the case of the prosecution, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge