

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5318 of 2018

1. Ashok Pushti, S/o. Ugrasen, Aged About 30 Years, R/o. Chiipilima, Post and P. S. Murla, District -Sambalpur, Orissa.
2. Mahadev Dora, S/o. Pitambar Dora, Aged About 23 Years, R/o. Doragud Colony, Chandrapada, Post Mohli, Police Station Baipariguda, District Koraput Orissa.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Police Station Nagarnar, District- Bastar Chhattisgarh.

---- Respondent

For Applicants	:	Mr. R.K. Bhagat, Advocate
For Respondent	:	Mr. Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/08/2018

1. This is the first bail application 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.74/2016, registered at Police Station- Nagarnar, District – Bastar (C.G.) for the offence punishable under Section 20 (B) 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 29.04.2016 and the trial against them is still not concluded after passing of more than two years. It is further submitted that the independent witnesses of search and seizure have been examined before the trial Court and they have not supported the case of the prosecution. Hence, it is prayed that the applicants 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 prosecution case, 17 Kg. of Ganja has been seized from the possession of both these applicants while they were travelling in motor cycle by the police personnel of police station – Nagarnar, District - Bastar.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further taking into consideration this fact that both the applicants are in jail since more than two years and the trial against them is still not concluded and also taking into consideration this fact that independent witnesses of search and seizure have not supported the case of the prosecution, hence for this reason, 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 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