

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5571 of 2018

1. Wasim Khan S/o Mohammed Naseeb, Aged About 23 Years, R/o- Mirzapur, P.S. Nijay Nagar Tehsil And District- Gaziabad, Uttar Pradesh, District : Ghaziabad, Uttar Pradesh
2. Irfan S/o Mr. Iqbal, Aged About 25 Years, R/o- Mirzapur, P.S. Vijay Nagar Tehsil And District- Gaziabad, Uttar Pradesh, District : Ghaziabad, Uttar Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Darbha, Bastar, District- Bastar, Chhattisgarh., District : Bastar(Jagdarpur), Chhattisgarh

----Non-applicant

For Applicant – Mr. Ravi Kumar Bhagat, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. Their first bail application, MCRC No.442/2018 was rejected on merits by this Court vide order dated 22-03-2018. The applicants have been arrested on 11-07-2017 in connection with Crime No.49/2017 registered at P.S. - Darbha, Bastar, District- Bastar, Chhattisgarh for the offence under Section 20(b) of NDPS Act.

2. It is submitted on behalf of the applicants that the applicants are in jail since 11-07-2017. A change in circumstances has taken place for the reason that independent witnesses of search and seizure have been examined before the trial Court who have not supported the prosecution case, hence, under these circumstances, it is prayed that the applicants 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. 35 kg. Ganja was seized from the possession of both these applicants while they were traveling in a car by police personnel of P.S. Darbha, Bastar, District Bastar. Hence, this case.
6. Considered on the material present in the case diary and also perused the certified copy of the deposition of independent witnesses of search and seizure filed along with the application who have not supported the case of prosecution, hence, this is change in circumstances and for this reason, 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 surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge