

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5235 of 2018**

1. Sathish Kumar Heera Singh Aged About 42 Years Resident Of House No. D 206, Sector 15a, Village Ajronda, Thana Sector 12, District Faridabad(Haryana)., District : Faridabad, Haryana
2. Anil Kumar Basant Singh Thakur, Aged About 36 Years Resident Of B 215, Kmc Colony Faridabad, Thana Old Faridabad, District Faridabad(Haryana), District : Faridabad, Haryana

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sankara, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vikash Pradhan, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.110 of 2017, registered at Police Station – Sankara, District Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 15.07.2017 and have been falsely implicated in this case. No case

is made out against the applicants on the basis of the material placed before the Court by the prosecution. The independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported the case of the prosecution. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants are resident of Haryana and if they are released on bail they may not be available for the trial. Hence, for these reasons, the applicants are not entitled for bail.

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

5. On the date of incident, on a search made by the police personnel of P.S. Sankara, District Mahasamund, 104.8 kg of ganja (narcotic substance) was found in possession of these applicants which has been seized jointly while they were travelling in a car. Hence, this case.

6. Considered the material present in the case-diary and taking into consideration the fact that more than one year has passed and the trial against the applicants is still pending having not made any substantive progress and the independent witnesses of search and seizure have not supported the prosecution case. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge