

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5323 of 2018**

1. Ishhak, S/o. Mr. Abdul Rasool, Aged About 35 Years, R/o. Jainagar, Jaipur, P. S. Jaipur Town District Koraput Odisha.
2. Mohammad Imtiyaz, S/o. Mr. Abdul Rasool, Aged About 30 Years, R/o. Jainagar, Jaipur, P. S. Jaipur Town, District Koraput Odisha.

---- Applicants**Versus**

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

---- Respondent

For Applicants	:	Mr. Raza Ali, 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 second 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.76/2017, registered at Police Station- Keshkal, District – Kondagaon (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act. The first bail application of the applicants was dismissed for want of prosecution on 13.04.2018.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 24.06.2017 and the trial against them is still not concluded. It is further submitted that the independent witnesses of search and seizure have been examined 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, 74.470 Kg. of Ganja has been seized from the car in which this applicants were travelling, after the driver and other passengers fled away from the spot. The seizure have been made jointly from the possession of these applicants.
6. Considered the submissions made and the contents of the case diary. Defence has been raised by both the applicants that they had taken lift in the said car. Also perused the certified copy of the deposition of the independent witnesses of search and seizure. Considering the facts and circumstances of the case and taking into consideration the statements of the witnesses, 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