

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5493 of 2018**

Ajay Kumar Goshwami S/o Het Ram Goshwami Aged About 32 Years R/o-
Village Balapatti Ward No. 14 Tahsil And P.S. Hatras, District- Hatras, (U.P.),
District : Hathras *, Uttar Pradesh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Smt. Kiran Jain, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2018**

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 applicant who has been arrested in connection with Crime No.162 of 2017, registered at Police Station – Keshkal, District Kondagaon, Chhattisgarh for the offence punishable under Section 20(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.12.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused person – Bhupsingh

Kumhar has been granted regular bail by this Court in M.Cr.C. No. 4139 of 2018 vide dated 23.7.2018 on the ground that 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 applicant 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 huge quantity of contraband has been seized from the possession of the applicant. Hence, the applicant is not entitled for grant of bail.

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

5. In total, 107.630 kg of ganja (narcotic substance) was seized from the possession of the applicant when he was travelling in a car alongwith co-accused persons. Hence, this case.

6. Considered the material present in the case-diary. As the independent witnesses of search and seizure have not supported the prosecution case and the trial against the applicant is getting prolonged, I am of the view that in this case the applicant deserves to be enlarged on bail.

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

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court, for his 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

Nimmi