

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5534 of 2018

- Shyamlal Nayak S/o Ghasiram Nayak, Aged About 28 Years, R/o- Village Kusumdarha, Thana Jharband, District- Bargard (Odisha), Orissa

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State –Shri Lav Sharma, 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 applicant for grant of regular bail. His first bail application, MCRC No.2650/2018 was dismissed on merits by this Court vide order dated 18-06-2018. The applicant has been arrested on 06-12-2017 in connection with Crime No.06/2017 registered at P.S. - Singhoda, District- Mahasamund, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant that in the present situation the circumstances have changed as the independent witnesses of search and seizure have not supported the prosecution case. Hence, it is prayed that the applicant 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. 25 kg. Ganja was seized from the possession of this applicant and co-accused persons while they were traveling in a car by police personnel of P.S. Singhoda, Distt. Mahasamund.

6. In the present circumstances of this case, according to the certified copy of deposition of the independent witnesses filed along with this application, it appears that they have been declared hostile by the prosecution for not supporting the prosecution case, hence, this is change in circumstances and on that basis I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge