

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5611 of 2018

- Dharmendra Kumar Rai S/o Hariram Rai, Aged About 28 Years, Cast-Kalar R/o- Village Gorakh, P.S. Gairatganj, District- Raisen (M.P.) At Present Ishwar Nagar Satlapur, Near Sent Peter English Medium School Mandideep, District Raisen (M.P.) wrongly written as C.G. in place of M.P., District : Raisen, Madhya Pradesh

---- Applicant

Versus

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

---- Non-applicant

MCRC No. 5706 of 2018

- Pritesh Kumar Rai S/o Kamlesh Kumar Rai, Aged About 30 Years, Cast Kalar R/o- Saeenkheada, P.S. Silvani, District- Raisen, (M.P.), District : Raisen, Madhya Pradesh

---- Applicant

Versus

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

---- Non-applicant

For Applicants – Smt. Kiran Jain, 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. As these two applications arise out of the same crime number, i.e., Crime No.26/2018 registered at P.S. Kondagaon, District- Kondagaon, Chhattisgarh for the offence under Section 20-B of Narcotics Drugs and Psychotropic Substances Act, 1985, they are being decided by this common order.
2. MCRC No.5706/2018 is second bail application under Section 439 of the Cr.P.C. before this Court filed by applicant Pritesh Kumar Rai. His first bail application was dismissed as withdrawn. MCRC No.5611/2018 is first bail applications filed before this Court by applicant Dharmendra Kumar Rai under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have been

arrested on 30-01-2018 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 30-01-2018. No case is made out against them. The case is before the trial Court and the independent witnesses of search and seizure who have been examined before the trial Court have not supported the prosecution case. Hence, it is prayed that under this change in circumstances, the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. 57.228 kg. Ganja was found in possession of both these applicants on search made by police personnel of P.S. Kondagaon, Distt. Kondagaon while the applicants were traveling in a car, which has been seized. Hence, this case.

7. Considered on the material present in the case diary and also perused certified copy of the deposition of independent witnesses of search and seizure who have not at all supported the prosecution case and for which they have been declared hostile, hence, for these reasons, I feel inclined to grant regular bail to these applicants.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge