

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5679 of 2018

1. Santosh Shadangi S/o Madu Sudan Shadangi Aged About 30 Years, R/o- Village Sindhigram, Thana Baipariguda, District- Koraput (Odisha), District : Koraput, Orissa

---- Applicant

Versus

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

---- Non-applicant

MCRC No. 6141 of 2018

1. Md. Akram S/o Md. Naiem Khan, Aged About 30 Years, R/o Village Mahisakol Ward No.7, Thana Araria, District Araria Bihar, District : Araria, Bihar
2. Md. Intkhab Khan S/o Md. Abid Khan, Aged About 25 Years, R/o Village Mahisakol Ward No. 7, Thana Araria, District Araria Bihar, District : Araria, Bihar
3. Ghashiram S/o Sukhman Harijan, Aged About 30 Years, R/o Village Kendubuda, Thana Boriguma, District Koraput Odisha, District : Koraput, Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Komakhan District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Vikash Pradhan, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-08-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.110/2017 registered at P.S. Komakhan District Mahasamund, Chhattisgarh, for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, they are decided by this common order.
2. MCRC No.5679/2018 is second bail application filed under Section 439

of the Cr.P.C. before this Court by applicant Santosh Shadangi. His first bail application before this Court was dismissed as withdrawn. MCRC No.6141/2018 is first bail application filed by applicants Md. Akram, Md. Intkhab Khan and Ghashiram. The applicants in both these applications have been arrested on 12-09-2017 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. The applicants are in jail since 12-09-2017. The case is before the trial Court. The witnesses of search and seizure have been examined before the trial Court who have not supported the prosecution case. Hence, it is prayed that these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the applicants are residents of other State and if they are released on bail, they may not be available for trial, hence, the applications may be rejected.

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

6. According to the case against these applicants, on the date of incident police personnel of P.S. Komakhan, District Mahasamund made seizure of 66 kg. Ganja jointly from all the applicants who were traveling in a car. Hence, this case.

7. After considering on the material present in the case diary and also the deposition of the witnesses of search and seizure who have not supported the prosecution case, I am of this view that these applicants should be granted regular bail.

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

Aadil