

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6126 of 2018

- Umesh Singh S/o Mathura Singh Aged About 35 Years Caste Awadhiya, R/o Barki, Sirsiya, P. S. Bheldi, District Chhapra Bihar, Bihar

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Rajnish Singh Baghel, Advocate
For State/respondent	: Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/09/2018

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure. His first application was dismissed as withdrawn.
2. The applicant is in custody in connection with Crime No.74/2017 registered at Police-Station-Kondagaon, District-Kondagaon (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs Psychotropic Substances Act.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The independent witnesses of search and seizure have not supported the prosecution case. The trial against the applicant is still pending. Hence, it is prayed that he may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant is resident of Chhapra, Bihar and if he is released on bail he may not be available for trial. Hence, the application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. In total 95.270 kg ganja the narcotic substance was recovered and seized from the car of which this applicant was driver. Other passengers were travelling in the said car. As per seizure memo, the contraband was recovered from the joint possession of accused persons. Hence, this case.
7. On due consideration of the entire material present in the case diary and also considering this fact that the independent witnesses of search and seizure have not supported the prosecution case, I am of the view that this is a fit case where applicant should be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that 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 trial Court, for his

appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha