

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6089 of 2018**

1. Manoj Yadav S/o Nidhishewar Yadav Aged About 23 Years R/o- Bhathudada, Pathalgaon, Ps- Pathalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Ghanshyam Banjare S/o Vijaylal Banjare Aged About 22 Years R/o- Pathalgaon, Ps- Pathalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For Applicants	: Mr. Shobhit Koshta, Advocate
For State/respondent	: Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/09/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.72/2017 registered at Police-Station-Kondagaon, District-Kondagaon(C.G.) for the offence punishable under Sections 20(b) of

Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. The material witnesses have been examined in the trial and the independent witnesses of search and seizure have not supported the prosecution case. Further, the prosecution against the applicants also suffers from illegality as the complainant and the Investigating Officer in this case is same person. Hence, it is prayed that he may be released on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of PS-Kondagaon made a seizure of 203.890 kg ganja the narcotic substance from the vehicle of transport, which was occupied by these applicants. Hence, this case.
6. Considering the entire material present in the case diary and looking to this fact that the independent witnesses of search and seizure have not supported the prosecution case. For this reason, I am of the view that this is a fit case where applicants should also be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial

Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha