

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6112 of 2018**

Amar Kumar Singh S/o Late Kamta Singh Aged About 24 Years R/o- Tetulmari, P.S. Tetulmari, District- Dhanbad (Jharkhand), District : Dhanbad, Jharkhand.

---- Applicant**Versus**

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

---- Respondent

For the Applicants	:	Shri P.K. Tulsyan, Advocate.
For the Respondent/State	:	Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.09.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.5795 of 2018 dated 09.08.2018. The applicant has been arrested in connection with Crime No.171 of 2016, registered at Police Station – Kondagaon, District Kondagaon, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.7.2016 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Out of 14 witnesses, only 6 witnesses have been examined so far and the trial is taking very long time. The independent

witnesses of search and seizure have been examined before the trial Court have not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is resident of Jharkhand and his availability for the trial shall be compromised if he is released on bail. Hence, the applicant is not entitled for bail.

4. Heard counsel for both the parties and perused the case diary.

5. 49.700 kg of ganja (narcotic substance) was seized from the possession of the applicant by the police personnel of P.S. Kondagaon, District Kondagaon while he was transporting the same in a car. Hence, this case.

6. Considered the entire material present in the case-diary and also perused the certified copy of the deposition of the independent witnesses in this case. Hence, looking to the development of things, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi