

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6107 of 2018**

1. Sunil Kumar S/o Late Kaliram Aged About 33 Years R/o- 23 Ghumman Heda Plot 1 New Delhi, P.S. Chhabara, New Delhi, District : New Delhi, Delhi
2. Prashant Kumar S/o Inderpal Aged About 35 Years R/o- 144, A Ghumman Heda, P.S. Chhabara South West Delhi., District : South West, Delhi.

---- Applicants**Versus**

State Of Chhattisgarh Through- The Police Station Keshkal, 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 applicants. The first bail application of the applicants was dismissed as withdrawn in M.Cr.C. No.5793 of 2018 dated 09.08.2018. The applicants have been arrested in connection with Crime No.8 of 2018, registered at Police Station – Keshkal, 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 applicants are in jail since 8.1.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. The two important 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 applicants 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.

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

5. 25.280 kg of ganja (narcotic substance) was seized from the possession of the applicants by the police personnel of P.S. Keshkal, District Kondagaon while they were 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 applicants deserve 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 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 trial Court, for their

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