

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6505 of 2018**

1. Ashutosh Vishwakarma, S/o. Suryakant Vishwakarma, Aged About 26 Years, R/o. Belha Kosdakala, P. S. Manda, District Allahabad (U.P.).
2. Sheshmani, S/o. Bechanlal Vishwakarma, Aged About 31 Years, R/o. Belha Kosdakala, P.S. Manda, District Allahabad (U.P.).

---- Applicants**Versus**

State Of Chhattisgarh, Through : The Outpost Bastar, Police Station Kotwali, Jagdalpur, District Bastar Chhattisgarh.

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate
For Respondent	:	Mrs. Madhunisha Singh, P.L.

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

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.392/2017, registered at Police Station- Kotwali, Out Post Bastar, District – Bastar (C.G.) for the offence punishable under Section 20 (b) of N.D.P.S. Act. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same in case some occasion arises in future vide order dated 18.04.2018, passed in M.Cr.C. No.1297/2018.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material present in the charge sheet. The independent witnesses of search and seizure, who have been examined before the trial Court have not supported the prosecution

case. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. In total 51.570 Kg. of Ganja was recovered and seized from the joint possession of these applicants while they were traveling in a car by the police personnel of police Station – Kotwali, Jagdalpur, District – Bastar.
6. Considered the submissions made and the contents of the case diary. After considering the facts and circumstances of the case and further taking into consideration this fact that the independent witnesses of search and seizure have not supported the prosecution case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge