

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6113 of 2018

- Jems Chouhan S/o Ramsajivan Chouhan, Aged About 45 Years, R/o Police Line Near Shri India Pres Banda, Thana Kotwali, District Banda U. P., District : Banda, Uttar Pradesh

---- Applicant

Versus

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

---- Non-applicant

MCRC No. 6701 of 2018

- Sahdev Kori S/o Kedar Kori, Aged About 26 Years, R/o Village Pitra, Thana Sitapur, District Chitrakoot, Uttar Pradesh., District : Chitrakoot, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-09-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.420/2017 registered at P.S. Basna, District Mahasamund, Chhattisgarh, for the offence under Section 20(B)II(C) of Narcotic Drugs and Psychotropic Substances Act, they are decided by this common order.

2. MCRC No.6113/2018 is first bail application filed by applicant Jems Chouhan before this Court under Section 439 of the Cr.P.C. for grant of regular bail. MCRC No.6701/2018 is second bail application filed by applicant Sahdev Kori before this Court under Section 439 of the Cr.P.C. for grant of regular bail, his first bail application was dismissed as withdrawn. Both these applicants have been arrested on 04-09-2017 for the aforesaid crime number and

offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 04-09-2017. No case is made out against them. The independent witnesses of search and seizure have been examined before the trial Court who have not supported the prosecution case and further the investigator and first informant in this case are the same person. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. On search made by police personnel of P.S. Basna, District Mahasamund, in total 82 kg Ganja was recovered and seized from possession of both the applicants jointly. Hence, this case.

7. After due consideration on the material present in the case diary and also considering this development that the independent witnesses of search and seizure have not supported the prosecution case, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge