

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7147 of 2018

1. Prabhat Kumar Singh @ Raj S/o Late Jayprakash Singh Aged About 25 Years R/o Village Govind Chak Post Govind Chak P.S. Sonpur, District Chhapara, Bihar.
2. Smt. Sumitra Devi W/o Prabhat Kumar Singh @ Raj Aged About 20 Years R/o Rusu Tahsil Simdera, P.S. Simdera, District - Simdera, Jharkhand.

---- Applicants

Versus

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

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/10/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who have been arrested in connection with Crime No.74/2017 registered at Police Station– Kondagaon, District– Kondagaon(C.G.) for the offence punishable under Section 20(b) (2-b) of Narcotic Drugs Psychotropic Substances Act.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 22.03.2017. No case is made out against them. Similarly placed

co-accused person Umesh Singh has been granted regular bail by this Court in MCRC No.6126/2018 vide order dated 13.9.2018. In the further development that the independent witnesses of search and seizure have turned hostile before the trial Court. Hence, it is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the possession of these applicants and both the applicants are residents of State of Bihar & Jharkhand, if, they are released on regular bail they may not be available for trial, which will hamper the proceeding of trial, hence, they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On a search made by police personnel of PS-Kondagaon, District-Kondagaon, 95.270 kg ganja the narcotic substance was recovered and seized from a car, in which, these applicants were passengers. Seizure has been made from the joint possession of these applicants and the co-accused persons. Hence, this case.
6. Considered on the entire material present in the case diary and in the development that has taken place and also considering this fact that co-accused person has granted regular bail by this Court. For this reason, I am of this view that this is a fit case where applicants should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one local surety in the like sum to the satisfaction of the concerned trial

Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha