

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7440 of 2018

1. Ram Harijan S/o Harihar Harijan Aged About 30 Years R/o Village Barniput Colony, P.S. Jeypore Post Jeypore, District - Koraput, Orissa., District : Koraput, Orissa
2. Rakesh Nayak S/o Ramchandra Nayak Aged About 20 Years R/o Jeypore Power House Colony, P.S. Jeypore Post Jeypore, District - Koraput, Orissa., District : Koraput, Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Nagarnar, District - Bastar, Chhattisgarh., District : Bastar(Jagdulpur), Chhattisgarh

----Non-applicant

For Applicants – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State –Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. Their first bail application before this Court was dismissed as withdrawn. The applicants have been arrested on 30-08-2017 in connection with Crime No.194/2017 registered at P.S. -Nagarnar, District - Bastar, Chhattisgarh for the offence under Section 20(b)(2-c) of Narcotic Drugs and Psychotropic Substances Act 1985.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 30-08-2017. No case is made out against them. The independent witnesses of search and seizure have not supported the prosecution case. Hence, under these circumstances it is prayed that these applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. 50 kg. Ganja was seized from possession of these applicants jointly by the police personnel of P.S. Nagarnar, Distt. Bastar. Hence, this case.
6. As the witnesses of search and seizure have not supported the prosecution case and the case against the applicants is still pending before the concerned Court, the applicants have undergone almost one year in detention, hence, for these reasons, I am of the view that the application deserves to be allowed.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge