

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9240 of 2018

- Sai Charan S/o V. Prasad aged about 20 Years R/o 7-2-62/1/a, Gaganpahad, Rajendra Nagar, Rangareddy, District - Hyderabad, Telangana., District : Hyderabad, Telangana

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Konta, District - Dantewada, South Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Mrs. Kiran Jain, Advocate.
For Respondent	:	Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/12/2018

1. This is the 3rd bail application filed by the applicant. His first application MCRC No. 7810/2017 was dismissed as withdrawn on 13.2.2018 and second application MCRC No.2704/2018 was dismissed as withdrawn with liberty to revive the same after examination of the main witnesses on 27.6.2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.15/2017 registered at Police Station– Konta, District– Dantewada South Bastar(C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs Psychotropic Substances Act.
3. Learned counsel for the applicant submits that applicant is innocent

and has been falsely implicated in this case. It is submitted that important and material witnesses have been examined before the trial Court and independent witnesses of search and seizure have not supported the prosecution case. Hence, it is prayed that this applicant may be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that Investigating Officer is yet to be examined, therefore, no case is made out for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. On a search made by police personnel of PS-Konta, District-Dantewada, 60 kg ganja the narcotic substance was recovered and seized from the possession of this applicant. Hence, this case.
7. After considering on entire material present in the case diary, according to the certified copy of the depositions of the independent witnesses of search and seizure filed along with application, it appears that these witnesses have not supported the prosecution case and as there is all likelihood that trial shall take some time before its conclusion in near future, hence, I am of this view that this is a fit case where applicant should be released on regular bail.
8. 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 his furnishing a personal bond for a sum of Rs.25,000/- with one 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

