

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1224 of 2019**

1. Himanshu Singh S/o Shri Krishna Kumar Singh Aged About 24 Years R/o Village Khiri, Police Station Poudhiyar, District Allahabad U. P., District : Allahabad, Uttar Pradesh
2. Rohit Singh S/o Chhotelal Singh Aged About 26 Years R/o Staff Quarter Type 7, Naini Ganga Pradushan Jal Nigam Office Naini, Police Station Naini, District Allahabad U. P., District : Allahabad, Uttar Pradesh

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Of Police Station Koni, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Pushpendra Singh Baghel, Advocate.
For the Respondent/State	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.04.2019**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn on 18.7.2018 in M.Cr.C. No. 4543 of 2018 and liberty was granted to revive the application after examination of the independent witnesses in this case. The applicants have been arrested in connection with Crime No.11 of 2018, registered at Police Station – Koni, District Bilaspur, Chhattisgarh for the offence punishable under Sections 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The independent witnesses, namely, Rajkumar Yadav and Anil Kumar Wadhwani both have been examined before the Court below who have not supported the prosecution case. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecution still has opportunity to prove the case on the basis of the circumstantial evidence and the evidence of police witnesses. Hence, no case is made out for grant of regular bail to the applicants.

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

5. The police personnel of police station Koni, District Bilaspur made a seizure of 33 kg and 26 kg of ganja from both the applicants, which they were transporting in a luggage compartment of the bus. Hence, this case.

6. After perusing the certified copy of the deposition of the independent witnesses of search and seizure, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge