

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1176 of 2019

Nandlal Kenwat, S/o Johan Lal Kenwat, Aged About 32 Years, R/o Village-Kot, Thana- Kasdol, District- Balodabazar- Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Mahasamund, Chhattisgarh

---Respondent

For Applicant	:	Shri Vikas Pradhan, Advocate
For Respondent/State	:	Shri Santosh Bharat, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/04/2019

Heard.

This is a third bail application. While first bail application was rejected, upon consideration of material on record, the second bail application was dismissed as withdrawn.

1. The applicant has been arrested in connection with Crime No.54 of 2018 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the alleged commission of offence under Section 20(b) of Narcotics Drugs and Psychotropic Substances Act.
2. Learned counsel for the applicant submits that third bail application has now been filed by the applicant mainly on the ground of subsequent event and changed circumstances that the applicant has remained in jail since 26.01.2018 and now in the trial, independent witnesses of seizure of ganja namely :Lankesh Banjare (PW2) and Devendra Kumar Sahu (PW4) have been examined but they have not supported the case of the prosecution and turned hostile.
3. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the allegation of seizure of about 31

kg. of ganja from the possession of the applicant and that the trial has not yet been concluded, the application may be rejected.

4. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 26.01.2018, the trial has not been concluded and the submission of learned counsel for the applicant that two independent witnesses of seizure namely: Lankesh Banjare (PW2) and Devendra Kumar Sahu (PW4) have been examined and have not supported the case of the prosecution and turned hostile, therefore, at this stage, the application is allowed.
5. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge