

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1989 of 2019**

Akash Adwani S/o Shri Rajkumar Aged About 25 Years R/o Ward No. 41,
Satna, Police Station City Kotwali Satna, District Satna Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Police Station Tongpal, Dantewada,
District Sukma Chhattisgarh.

---- Respondent

For the Applicant : Smt. Meena Shastri, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.07.2019**

Heard.

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 has been arrested in connection with Crime No.5 of 2018, registered at Police Station Tongpal, District – Sukma, Chhattisgarh for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.3.2018 and has been falsely implicated in this case. He has not committed any offence. The independent witnesses of search and seizure have not supported the prosecution case. Hence, it is prayed that the

applicant 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 commercial quantity of narcotic substance was seized from the possession of this applicant. Hence, no case is made out for grant of regular bail to the applicant.

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

5. 38.960 kg of ganja (narcotic substance) was seized from the possession of this applicant while he was transporting the same in his car. Hence, this case.

6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the independent witnesses produced alongwith the application, it appears that they have been declared hostile and have not supported the case of the prosecution. The applicant is in jail since about more than one year and the trial against the applicant is still pending. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.

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

8. It is directed that the applicant shall be released on bail on 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 his 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

Nimmi