

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3452 of 2019**

1. Ramnivas S/o Mohit Ram, Aged About 28 Years Caste- Suryavanshi, R/o Village Bhathapara, Janjgir, P. S. Janjgir, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Pawan Kumar, Ramesh Kumar, Aged About 42 Years Caste Kashyap, R/o Village Pouna, P. S. Mulmula, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Pamgarh, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri F.S Khare, Advocate.
 For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2019**

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 applicants who have been arrested in connection with Crime No.176 of 2019, registered at Police Station Pamgarh, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in the order sheet 20(B)/ 34 of the NDPS Act has been mentioned).

2. Learned counsel for the applicants submits that the applicants are in jail since 2.4.2019 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. The independent witnesses of the search and seizure have been examined before the trial Court who have not supported the case of the prosecution. 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.

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

5. According to the prosecution case, 5 kg of ganja (narcotic substance) was seized from the possession of the applicants by the police personnel of P.S. Pamgarh, District Janjgir-Champa while they were transporting the same on a motorcycle. Hence, this case.

6. After considering the entire material present in the case-diary and taking into consideration the fact that the independent witnesses of search and seizure have not supported the prosecution case, 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

Nimmi