

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3903 of 2019**

1. Rajesh Singh S/o Umashankar Aged About 38 Years R/o Village Guropur, Thana Bheja, District- Allahabad, Uttar Pradesh., District : Allahabad, Uttar Pradesh.
2. Pappu S/o Shankar Lal Sonkar Aged About 28 Years R/o Village Girdhapur, Thana Bhada, District- Allahabad, Uttar Pradesh., District : Allahabad, Uttar Pradesh.
3. Rajesh Dubey S/o Bhagvati Aged About 40 Years R/o Village Chilbila, Thana, Bheja, District- Allahabad, Uttar Pradesh., District : Allahabad, Uttar Pradesh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-Komakhan, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
 For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2019**

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. 56 of 2018, registered at Police Station Komakhan, District Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 10.5.2018. The main accused in this case is absconding and these applicants have been falsely implicated in this case. The independent witnesses of search and seizure have been examined before the trial Court 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 huge quantity of contraband has been seized from the possession of these applicants. Hence, the applicants are not entitled for grant of regular bail.

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

5. According to the prosecution case, in total 120 kg of ganja has been seized from the possession of these applicants by the police personnel of P.S. Komakhan, District Mahasamund. Hence, this case.

6. Considered the material present in the case-diary. It appears that the independent witnesses of search and seizure have not supported the prosecution case and the trial against these applicants is getting delayed. Hence, for these reasons, 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