

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4258 of 2019

- Biru Kumar S/o Ashpit Paswan Aged About 22 Years R/o Rajendra Nagar, P.S.- Gandhi Nagar, District- Patna (Bihar) As Per Chalan

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Tongpal, District- Sukma, Chhattisgarh

---- Non-applicant

And

M.Cr.C. No. 5511 Of 2019

- Sonu Kumar S/o - Ravindra Prasad Aged About 28 Years R/o - Kankadbag, Near Sai Temple, District Patna (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Tongpal District Sukuma Chhattisgarh

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate.
For Non-applicant/State	: Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-08-2019

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.20/2018 registered at P.S. Tongpal, District- Sukma (C.G.) for the offence under Section 20B of the N.D.P.S. Act, they are being decided by this common order.
2. M.Cr.C. No.4258 of 2019 has been filed by applicant Biru Kumar and

M.Cr.C. No. 5511 of 2019 has been filed by applicant Sonu Kumar for grant of regular bail under Section 439 of the Cr.P.C., they have been arrested on 07.08.2018 in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicant that the applicants are in jail since 07.08.2018. Charge-sheet has been filed after completion of investigation and the independent witnesses of search and seizure has also been examined who have not supported the prosecution case. Therefore, nothing is left in the prosecution case against these applicants. Therefore, it is prayed that they may be granted bail.
4. Learned counsel for the State/non-applicant opposes the application and submits that it is a case in which huge quantity of contravened has been seized therefore applicants are not entitled for grant of bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, 66.890 Kg. ganja was seized from the possession of the applicants in both the cases and two other co-accused persons while transporting in a Maruty car. Hence, this case.
7. Considering that the co-accused in this case has been granted bail by the co-ordinate bench and search and seizure witnesses have not supported the prosecution case, therefore, I feel inclined to allow this application.
8. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing

a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge