

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4400 of 2019

- Krishna Nepali S/o Karn Bahadur Nepali, Aged About 30 Years, R/o Buniyad Nagar, Bhanpuri, Police Station - Khamtarai, Raipur, District - (Revenue and Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Khamtarai, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Ms. Richa Pandey, Advocate.

For Non-applicant/State – Mr. Ashish Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-09-2018 in connection with Crime No.492/18 registered at P.S. - Khamtarai, District Raipur, Chhattisgarh for the offence under Section 20 B of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 11-09-2018. This is second application before this Court filed by the applicant for grant of regular bail, earlier bail application of the applicant was dismissed as withdrawn on 16-04-2019. In the present development the independent witnesses of search and seizure have been examined who have not supported the prosecution case. Further, similarly placed co-accused has been granted bail by coordinate Bench of this Court. Therefore, it is prayed that this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. Police personnel Police Station Khamtarai, District Raipur made seizure of 6 Kg. Contraband Ganja jointly from this applicant and co-accused. Hence, this case.
6. Considering that independent witnesses of search and seizure have not supported the prosecution case and similarly placed co-accused person has been granted bail by coordinate Bench of this Court, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge