

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4390 of 2019**

1. Hari Matam S/o Ghasi Matam aged about 36 years,
 2. Arjun Subhi S/o. Mangala Subhi aged about 24 years,
- Both are R/o village Arandi P.S. Korar District North Bastar
Kanker (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : the Police Station Keshkal District Kondagaon (C.G.).

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate.
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/10/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 56/2018 registered at Police Station – P.S. Keshkal District Kondagaon (C.G.) for the offence punishable under Section 20-B of Narcotic Drugs & Psychotropic Substance Act.
- The prosecution story, in brief, is that Police Personnel searched and seized total 111.340 Kg. contraband article cannabis (Ganja) from the possession of present applicants and another co-accused. Thereafter, the present applicants have been arrested.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated

in the case. He further submits that independent seizure witnesses have not supported the prosecution case before the trial Court, therefore, the present applicants may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the detention period of the applicants, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail.
- Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 1,00,000/- each, with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicants shall be released on bail, subject to following conditions:
 - That, the applicants shall furnish a specific, undertaking that while on bail, they will not commit any offence especially relating to Ganja, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the

Court or to any police officer.

- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu