

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4958 of 2019**

1. Ramesh Madkami S/o Vaga Madkami Aged About 23 Years Caste Gond, R/o Village Kattaguda, Police Station Kalimela, District Malkangiri (Odisha)
2. Mana Butta, S/o Ratha Butta Aged About 28 Years Caste Koya, R/o Village Kanjeli, Police Station Malkangiri, District Malkangiri (Odisha)

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Puspall, District Sukma Chhattisgarh.

---- Respondent

For the Applicants : Shri Praveen Dhurandhar, Advocate.
 For the Respondent/State : Shri Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2019**

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 applicant who has been arrested in connection with Crime No.10 of 2018, registered at Police Station Puspall, District – Sukma, 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 25.9.2018 and have been falsely implicated in this case. The independent witnesses of search and seizure have been examined before the trial Court who turned hostile and 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.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the police personnel of police station Puspai, District Sukma made a seizure of 11.040 kg of ganja (narcotic substance) from the possession of both the applicants jointly.
6. Considering the fact that the independent witnesses of search and seizure have not supported the prosecution case and looking to this development, 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