

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4933 of 2019**

- Devendra Dhangad Manjhi, S/o Raghu Dhangad Manjhi, Aged About 26 Years R/o Village Uchla Police Station Jaya Patna, District Kala Handi Orrisa.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Police-Station-Nagarnaar, District-Bastar, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Vikash A. Shrivastava, Advocate     |
| For State/respondent | : Mr. Avinash Kumar Mishra, Panel Lawyer. |

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

**Order On Board**

**02/09/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.81/2017 registered at Police-Station-Nagarnaar, District-Bastar(C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 12.4.2017. This applicant has not committed any offence. The trial against this applicant is getting prolonged. Only one witness of search and seizure have been examined by the prosecution so far and that witness also has not supported the prosecution case. The second

witness of search and seizure is not turning up for evidence, therefore, under these circumstances, it is prayed that applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is resident of State of Odisha, therefore, there may be difficulties in his availability for trial, hence, applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of P.S.-Nagarnaar, District-Bastar made a seizure of 15.822 kg ganja the narcotic substance, from the possession of this applicant while he was traveling in a bus. Hence, this case.
6. Considering that the trial against the applicant is getting delayed and one of the seizure witness have not supported the prosecution case and another one is not turning up, further applicant is in jail since 2 ½ years, therefore, for these reasons, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, this bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge