

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5248 of 2019**

- Bhavaram S/o Manaram Devasi Aged About 34 Years Cast-Gadariya, R/o Desuru Post Office Desuri District Pali (Rajasthan) At Present - Dodavan, Post - Dodavan, Police Station Vavosi, District-Raigarh Maharashtra.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Thana - Arang, District-Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 291/2018 registered at Police Thana Arang, District-Raipur (C.G.) for the offence punishable under Section 20 (ii) (C) of Narcotic Drugs Psychotropic Substance Act.
2. The prosecution story, in brief is that, on 01.07.2018, on the basis of information, police personnel searched and seized 170 kg Cannabis (Ganja) from the possession of present applicant and another co-accused in his Mahindra Logan Car bearing registration No. MH-02-BG-8224. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that seizure witnesses namely, Santosh Kumar Yadav and Keshav Das have not supported the seizure memorandum and turned hostile. The applicant is in jail since 01.07.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that both the seizure witnesses have turned hostile 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**