

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5289 of 2019

1. Kareem Khan, S/o Shri Wasim Khan, Aged About 49 Years R/o Ward No. 35, Durga Nagar, Beergaon, P.S. Urla, Tahsil And District (Revenue And Civil) Raipur Chhattisgarh.
2. Akansh Vishwakerma S/o Late Shri Jagdeesh Prashad Vishwakerma Aged About 22 Years R/o Ward No. 35, Durga Nagar, Beergaon, P.S. Urla, Tahsil And District-Raipur, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Yogesh Pandey, Advocate
For State/respondent	: Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as he is in custody in connection with Crime No.717/2018 registered at Police-Station-Mahasamund, District-Mahasamund(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 applicants have been falsely implicated in this case. They are in jail since 13.12.2018. The witnesses of search and seizure have been

examined before the trial Court, who have not supported the prosecution case. Further, one of the applicant in the case has been granted bail by this Court on the same ground, hence, it is prayed that applicants 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 it is a case of seizure of huge quantity of ganja, the narcotic substance from the possession of these applicants and other co-accused person, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of P.S.-Mahasamund, District-Mahasamund made a seizure of 148.100kg ganja the narcotic substance, from a car which was occupied by these applicants and one another. Hence, this case.
6. Considering that the independent witnesses of search and seizure have not supported the prosecution case and one similarly placed co-accused has been granted bail, for this reason, I am of this view that this is a fit case where applicants 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