

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5288 of 2019

- Faguram Chauhan S/o Punau Ram Chauhan, Aged About 53 Years, R/o Ramnagar, Railway Colony, Jhopadpatti, Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Mirza Kaiser Baeg, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 28-01-2019 in connection with Crime No.55/2019 registered at P.S. - Kotwali Korba, District Korba, Chhattisgarh for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-01-2019. The applicant has not committed any offence. The independent witnesses of search and seizure have not supported the prosecution case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has previous antecedent of having been prosecuted for similar offence twice, therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. Police personnel of Police Station Kotwali Korba, District Korba have

made a seizure of 2 kg. Ganja from the possession of this applicant. Hence, this case.

6. On perusal of the certified copy of the deposition of the independent witnesses of search and seizure, it is found that they have not supported the prosecution case, therefore, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge