

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 5830 of 2019

Niraj Kumar Kanoujiya S/o. Santosh Kumar Kanoujiya, Aged about 30 years, Caste Dhobi, R/o. Mohalla Hardeogunj, District Kannouj, Uttar Pradesh
----- Applicant

Versus

State of Chhattisgarh Through Police Station Keshkal, District Kondagaon (C.G.)
----- Respondent

For Applicant : Mr. Vishnu Koshta, Advocate
For Respondent/State : Mr. Ishan Verma, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor
Order On Board

11/09/2019

1. This is the third bail application. The present applicant has preferred this repeat bail application under Section 439 Cr.P.C for grant of bail as he is arrested in connection with Crime No. 120/2017 registered at Police Station – Keshkal, District Kondagaon (CG) for the offence punishable under Section 20(B) Narcotics Drugs and Psychotropic Substance Act, 1985. The first bail application was rejected on merit on 17.12.2018 in M.Cr.C. No. 8023 of 2018 and the second bail application of the applicant was dismissed as withdrawn on 04.07.2019 in M.Cr.C. No. 3151 of 2019.
2. As per the prosecution, it is alleged that the applicant was found carrying 220.990 Kg. Ganja on 12.10.2017. Subsequently, the case was registered u/s 20 (B) of NDPS Act and the applicant was arrested in connection with the said

offence.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 12.10.2017. He further submits that seizure witness have turned hostile and have not supported the case of the prosecution, therefore the applicant may be released on bail.
4. Learned State counsel, however, opposes the prayer for grant of bail.
5. I have heard learned counsel for the both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering the fact that the seizure witnesses have not supported the case of the prosecution and turned hostile and the trial will take some time for its final decision and the fact that the applicant is in jail since 12.10.2017, without further commenting on merit of the case, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond in the sum of Rs. 2,00,000/- with two local sureties for the like amount to satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date.

Sd/-
(Vimla Singh Kapoor)
Judge