

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6495 of 2019**

Sunil Reddy, S/o. Aaditya Narayan Reddy, Aged About 27 Years, R/o. Village-Shivanand Nagar, Near Prakash Provision Store Thana - Khamtarai, Tahsil and District- Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station -Komakhan, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/12/2019**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.48/2018, registered at Police Station – Komakhan, District – Mahasamund (C.G.) for the offence punishable under Section 20 (b) of N.D.P.S. Act. The first bail application of the applicant was dismissed as withdrawn vide order dated 01.08.2019 in M.Cr.C. No.4527 of 2019.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 11.04.2018. The applicant has not committed any offence. The witnesses of search and seizure have been examined, who have not supported the prosecution case. Hence, it is prayed that the applicant may be enlarged on regular

bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Seizure of 104 K.G. Ganja was made from the possession of this applicant and one co-accused person. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering that the trial has proceeded and the independent witnesses of search and seizure have not supported the prosecution case, the applicant is in jail since 11.04.2018, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge