

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6550 of 2019

- Jagir Singh, S/o Nirmal Singh, Aged About 25 Years, R/o Village Baruni, Tahsil and Police Station Kishangunj, District-Bara (Wrongly Written As Kishangunj) Rajisthan.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station-Kondagaon, District-Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajesh Jain, Advocate.
For Respondent	:	Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/11/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application bearing MCRC No.2270 of 2019 was dismissed as withdrawn vide order dated 18.04.2019.
2. This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail to the applicant who has been arrested in connection with Crime No.91/2018 registered at Police Station-Kondagaon, District-Kondagaon(C.G.) for the offence punishable under Section 20-B of N.D.P.S. Act, 1985.
3. It is submitted by the learned counsel for the applicant that applicant has not committed any offence and he has been falsely implicated in

this case. The applicant is in jail since 18.4.2019. In earlier order the liberty was given to the applicant to file repeat application if the trial is not completed within 3 months. Subsequent to that the independent witnesses of search and seizure have been examined before the trial Court, who have not supported the prosecution case, also looking to the delay in conclusion of trial, it is prayed that the applicant be granted regular bail.

4. Learned State Counsel opposes the application and submissions made in this respect. It is submitted that huge quantity of contraband has been seized from the possession of this applicant in this case and apart from that the applicant is resident of State of Rajasthan, therefore, there may be difficulties in his availability for trial, hence, applicant is not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Police personnel of P.S.-Kondagaon, District-Kondagaon made a seizure of 50.670kg ganja the narcotic substance, from a car which was being driven by this applicant. Hence, this case.
7. Considering that the independent witnesses of search and seizure have turned hostile and the applicant is in jail since about more than 1½ years and the trial against him is still not concluded, therefore, for these reasons, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
8. 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

Nisha