

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6722 of 2019

- Omprakash Tiwari, S/o Late Kanta Prasad Tiwari, Aged About 66 Years, R/o 231/21 K. Gayasudinsur (Mahendra Nagar), Police Station Dhumangunj, District-Allahabad, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police-Station Bhanpuri, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/12/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.4638 of 2019 vide order dated 20.08.2019 was dismissed as withdrawn with liberty to revive the same after filing of charge-sheet.
2. This 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.95/2019 registered at Police Station–Bhanpuri, District–Bastar(C.G.) for the offence punishable under Sections 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.
3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. At present the charge-sheet is filed and applicant is facing trial and the independent witness of search and seizure have not supported the prosecution case. The applicant is

in jail since 1.6.2019, hence, it is prayed that the applicant be granted regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is resident of State of Uttarpradesh, 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.-Bhanpuri, District-Bastar, Chhattisgarh made a seizure of 10.7 kg ganja the narcotic substance, from the possession of this applicant. Hence, this case.
7. Considering that the trial against the applicant is getting delayed and independent witness of search and seizure have not supported the prosecution case, 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, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- each 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