

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7211 of 2019**

Kedarnath S/o Jagdish Prasad Tripathi Aged About 33 Years R/o Village-
Mamet, Police Station- Rajpur, District Chitrakut, Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- G.R.P.
Raipur, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi, Advocate.
For the Respondent/State	:	Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2019**

Heard.

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.116 of 2019, registered at Police Station – G.R.P. Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The first bail application of the applicant was dismissed as withdrawn on 30.9.2019 in M.Cr.C. No. 5044 of 2019.

2. Learned counsel for the applicant submits that the applicant is in jail since 6.6.2019 and has been falsely implicated in this case. The independent witnesses of search and seizure have been examined before

the trial Court who have not supported the prosecution case. Apart from that, the applicant has been operated for cancer on 11.11.2019 while he had been in custody. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the commercial quantity of narcotic substance was seized from the possession of this applicant. Hence, the applicant is not entitled for grant of regular bail.

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

5. 20 kg of ganja (narcotic substance) was seized from the possession of this applicant. Hence, this case.

6. Considered the material present in the case-diary. It appears that the independent witnesses of search and seizure have not supported the prosecution case and the applicant is a cancer patient undergoing treatment for the same. Hence, for these reasons, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge