

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9632 of 2018**

Faisal Ahmed S/o Afzal Ahmad Aged About 20 Years R/o Birbalpur ,police Station Birzo District Gazipur Uttar Pradesh., District : Ghazipur, Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,,police Station Ambikapur ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Smt. Anju Ahuja, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2019**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 15.5.2018 in M.Cr.C. No. 2097 of 2018. The applicant has been arrested in connection with Crime No.32 of 2017, registered at Police Station – Ambikapur, District – Sarguja, Chhattisgarh for the offence punishable under Sections 20(ii)(c) and 20(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Learned counsel for the applicant submits that the applicant is in jail since 22.1.2017 and has been falsely implicated in this case. The independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported the case of the prosecution .

The trial against the applicant is still not concluded. 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.

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

5. 42.7 kg of ganja (narcotic substance) was seized from the dicky of the vehicle in which this applicant and two others were traveling. 40 gm of charas was also seized from co-accused – Kallan Shah. Hence, this case.

6. Considered the material present in the case-diary and also perused the certified copy of the deposition of the independent witnesses in this case. The trial is getting delayed, this applicant is languishing in jail without any fault on his part and no progress has taken place in the trial against the applicant. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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

Nimmi