

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9923 of 2018**

1. Ashok Patel S/o Late Tulsi Das Patel Aged About 43 Years R/o Village Dubgavan ,post And Police Station Mauganj ,district Rewa Madhya Pradesh ., District : Rewa, Madhya Pradesh
2. Shivanand Patel S/o Late Tulsi Das Patel Aged About 37 Years R/o Village Dubgavan ,post And Police Station Mauganj District Rewa Madhya Pradesh ., District : Rewa, Madhya Pradesh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Bodhghat Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Vikas A. Shrivastava, Advocate.
 For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.01.2019**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn on 30.7.2018 in M.Cr.C. No. 2696 of 2018. The applicants have been arrested in connection with Crime No.268 of 2017, registered at Police Station – Bodhghat, District – Bastar, Chhattisgarh for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the

prosecution. The independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported the case of the prosecution. The cognizance and the trial against the applicants also suffers from illegality for the reason that the complainant and the Investigating Officer is the same person. Hence, for these reasons, it is prayed that the applicants 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 huge quantity of contraband has been seized from the possession of these applicants. Hence, the applicants are not entitled for grant of regular bail.

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

5. On the date of incident, on a search made by the police personnel of P.S. Bodhghat, Jagdalpur, District Bastar, 44 kg of ganja (narcotic substance) was found from the possession of these applicants. Hence, this case.

6. As the applicants are in jail since 24.8.2017 and the trial against the applicants is still not concluded, I am of the view that the present is a fit case for grant of regular bail to the applicants.

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

8. It is directed that the applicants in both the cases shall be released on bail on each of them 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 their 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