

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 10036 of 2018**

Arish Mohite (Mohike) S/o Vankatesh Mohike Aged About 25 Years R/o
Samta Nagar, Varud, P.S. Vardha Maharashtra., Maharashtra.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Nagar, Jagdalpur, Disttict-
Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant : Smt. Kiran Jain, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

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

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 9.8.2018 in M.Cr.C. No. 5035 of 2018. The applicant has been arrested in connection with Crime No.89 of 2017, registered at Police Station – Nagarnar, Jagdalpur, District – Bastar, Chhattisgarh for the offence punishable under Section 20(B)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant 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 applicant is in jail since 20.4.2017 and the trial against the applicant is still not concluded. Hence, for these reasons, 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 huge quantity of contraband has been seized from the possession of the applicant and the co-accused person. Hence, the applicant is not entitled for grant of 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. Nagarnar, District Bastar made a seizure of 124 kg of ganja (narcotic substance) from the possession of this applicant and one co-accused person. 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 trial against the applicant is getting delayed. Hence, for these reasons, I am of the view that the present is a fit case for grant of 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