

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 60 of 2019

1. Kirtan Patel S/o Vishnu Patel Aged About 29 Years R/o Dongri Pali, P. S. Jagdalpur, District Bargarh, Odisha, District : Bargarh , Orissa
2. Shant Bihari Patel S/o Laxman Patel Aged About 42 Years R/o Loharshi, P. S. Jharband, District Bargarh, Odisha, District : Bargarh , Orissa
3. Kulmani Sao S/o Dhirsai Sao Aged About 36 Years R/o Dewanpali, P. S. Jharband, District Bargarh, Odisha, District : Bargarh , Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Birra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant	: Shri FS Khare, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 123/2018 registered at Police Station – Birra, District Janjgir Champa (C.G.) for the offence punishable under Sections 20(B) of NDPS Act.
3. Case of the prosecution, in brief is that on 09.09.2018 Inspector Kartik Chand Gain posted at police station Birra seized 30 Kg cannabis from the joint possession of the applicants.
4. Learned counsel for the applicants argued that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicants.
6. Counsel for the applicants further submitted that seizure witnesses have turned hostile during trial the trial Court, police has not filed any paper regarding the car.
7. Becoming hostile of the seizure witnesses is not a sole ground to enlarge the accused on bail.
8. Accordingly, looking to the facts and circumstances of the case, looking to the huge quantity of the alleged seized cannabis, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE