

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8005 of 2019**

Bhanupratap Singh @ Akash, S/o. Bharat Singh Rajput, Aged About 20 Years, R/o. Khokhara, Police Station Janjgir, District Janjgir-Champa, Chhattisgarh.

---- **Applicant*****Versus***

State of Chhattisgarh, Through : Station House Officer, Police Station Sariya, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sanjay Pathak, Advocate

For State/respondent : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/12/2019**

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.21/2019, registered at Police Station – Sariya, District – Raigarh (C.G.), for the offence punishable under Section 20-B of N.D.P.S. Act. The first bail application of the applicant was dismissed as withdrawn vide order dated 17.07.2019 in M.Cr.C. No.3627 of 2019 with liberty to revive the same after examination of the independent witnesses
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 13.02.2019. In the trial, the witness of search and seizure have not supported the prosecution case. Further the co-accused has been granted bail by the Coordinate Bench of this Court. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of Police Station Sariya, District Raigarh made seizure of 145 Kg. of Ganja from the possession of this applicant and other co-accused person, when they were traveling and transporting the same in Car.
6. Considered on the submissions made and the contents of the case diary. Considering that similarly placed co-accused has been granted bail by the Coordinate Bench of this Court and further the witnesses of search and seizure have been turned hostile in the trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge