

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1317 of 2020

Pawan Soni @ Lalla S/o Ajay Soni Aged About 28 Years R/o Gandhi Nagar,
Ratanpur, Police Station- Ratanpur, District Bilaspur, C.G.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Gourela,
District Bilaspur, Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 1613 of 2020

Mohd. Juber S/o Mohd. Habib, Aged About 42 Years R/o Sahaswan, Badau
(U.P.).

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Gourela,
District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant (in M.Cr.C. No.1317 of 2020)	: Mr. Arvind Dubey & Mr. Roshan Dubey, Advocates
For Applicant (in M.Cr.C. No.1613 of 2020)	: Ms. S. Durga Sarni, Advocate
For Respondent/State	: Mr. Sudeep Verma, Dy.G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/03/2020

1. These are the second bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.94/2019, registered at Police Station – Gourela, District – Bilaspur (C.G.) for the offence punishable under Section 20-B of the N.D.P.S. Act. The first bail application of the applicant (in M.Cr.C. No.1317 of

2020) was dismissed as withdrawn vide order dated 25.06.2019 in M.Cr.C. No.3624 of 2019 with liberty to repeat the same after examination of the independent witnesses. Similarly, the first bail application of the applicant (in M.Cr.C. No.1613 of 2020) was dismissed as withdrawn vide order dated 25.06.2019 in M.Cr.C. No.3738 of 2019 with liberty to revive the same after examination of the independent witnesses.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 (in M.Cr.C. No.1317 of 2020) that the applicant has been falsely implicated in this case and he has been falsely implicated in this case. No seizure of contraband has been made from the possession of this applicant and he has been made accused in this case only on the basis of memorandum statement given by the co-accused persons. It is further submitted that one of the seizure witness has been examined and he has not supported the prosecution case. The case against the applicant is still pending. Therefore, it is prayed that this applicant may be released on regular bail.
3. It is submitted by the learned counsel for the applicant (in M.Cr.C. No.1613 of 2020) that the applicant has been falsely implicated in this case. The applicant is in jail since more than one year and he has no criminal antecedents and the trial is still pending, therefore, on the ground of delay it is prayed that the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. The police personnel of police station Gourella made a seizure of 10 Kg. Ganja from the accused Juber and one co-accused Imran. Hence, this case.
7. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and further taking into consideration this fact that the trial against the applicants is getting delayed and it is almost more than one year the applicants are in jail, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge