

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.2038 of 2020**

- Kamlesh Nagar S/o Bihari Lal Nagar, Aged About 32 Years R/o Ward No. 08 Hiraniya Chowk, Thana Obaidullaganj District - Raisen (M.P.)

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Singhoda, District - Mahasamund Chhattisgarh

**---- Respondent**

**M.Cr.C. No.2200 of 2020**

- Dhiraj Tiwari S/o Gulabchand Aged About 33 Years R/o Village Jandiya, Thana Kalapipal, District- Sajapur, Madhya Pradesh

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Singhoda, District- Mahasamund, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

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

**Order on Board**

**20-07-2020**

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.13/2019, registered at P.S. Singhoda, District- Mahasamund (C.G.) for offence under Section 20(B) of Narcotic Drugs Psychotropic Substances Act, they are being decided by this common order.
2. These are second applications, the first application filed by applicant- Kamlesh Nagar in M.Cr.C. No.3612/2019 was dismissed as withdrawn on 17.07.2019 whereas the first application filed by applicant- Dhiraj

Tiwari in M.Cr.C. No.3850/2019 was dismissed as withdrawn on 13.08.2019. A common direction was given in both the orders giving liberty to the applicant to file repeat application after the examination of witnesses of search and seizure.

3. It is submitted by learned counsel for applicants in both the cases that the charges framed against the applicants on 16.08.2019 and thereafter, a number of dates were fixed for examination of witnesses, but the witnesses of search and seizure have not appeared so far. At present because of the suspension of normal Court proceedings, there is no possibility of the witnesses to be examined soon. The applicants are in jail since 03.02.2019, therefore, it is prayed that they may be granted bail.
4. Learned counsel for the State/non-applicant opposes the application and submits that it is a case of seizure of commercial quantity of contraband from the applicants and that in the earlier order, liberty was granted by this Court to file repeat application after examination of material witnesses, therefore, there is no occasion to file repeat application. Therefore, these applications may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the police personnel of Police Station- Singhoda, District- Mahasamund, C.G. made a seizure of 20 kg Ganja jointly from both the applicants and on that basis, the applicants are being prosecuted. The trial Court has framed the charges against the applicants under Section 20(ii)(B) of N.D.P.S. Act. Certified copy of order sheets filed along with the application in M.Cr.C. No.2200/2020. On perusal of the same, it is found that the trial has not made any

progress and under the present situation, there appears to be likelihood of further delay and the applicants are in jail since about 01 year and 05 months, therefore, I feel inclined to allow both these applications.

7. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants in both the cases shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Monika

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge