

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3660 of 2020

Naresh Mida S/o Satynarayan Mida Aged About 27 Years R/o Village Raythal, Thana Jandoli, Tahsil and District- Bundi, (Rajasthan).

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/07/2020

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.07/2019, registered at Police Station – Pithora, District – Mahasamund (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs Psychotropic Substance Act. The first bail application of the applicant was dismissed as withdrawn vide order dated 14.06.2019 in M.Cr.C. No.3842/2019.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. It is submitted that circumstances have changed. The similarly placed co-accused persons namely Rajulal Balai and Satyanarayan Mida have been enlarged on bail by the Coordinate Bench of this Court and the applicant is also similarly placed. Further the new development is this that witnesses of search and seizure have been examined in the trial, who have not supported by the prosecution case. Hence, it is prayed that the applicant may be enlarged on regular 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 it is a case of seizure of huge quantity of contraband, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, a joint seizure of 260.60 KG Ganja was made from the possession of this applicant along with other two accused persons, when the same was being transported in the vehicle.
6. Considering that similarly placed co-accused persons have been enlarged on bail by the Coordinate Bench of this Court and also that the case is pending for quite sometime and there is likelihood of delay

in conclusion of 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

Balram