

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8171 of 2019

Subhash Chandra S/o Balabhadra Chandra Aged About 45 Years R/o
Kaotola, Police Station Koksara, District Kalahandi (Odisha).

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Dharseva, District Raipur Chhattisgarh.

---- Non-applicant

For the Applicant	: Mr. Shivendu Pandya, Advocate.
For Non-applicant/State	: Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is a *repeat* bail application filed by the applicant before this Court for grant of regular bail. The earlier bail application MCRC No.3187 of 2019 was dismissed as withdrawn on 30.9.2019 with liberty to revive the same after examination of independent witnesses. The applicant has been arrested on 4.3.2019 in connection with Crime No.112/2019, registered at Police Station - Dharseva, District- Raipur, Chhattisgarh for offence punishable under Sections 20/ 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is submitted by learned counsel for the applicant that the independent witnesses of search and seizure have been examined before the trial Court have not supported the prosecution case. The applicant is in jail since the date of his arrest i.e. 4.3.2019 and the trial against the applicant is still pending. Hence, it is prayed that the applicant be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the bail

application. It is submitted that the applicant is resident of Odisha and his availability for the trial shall be compromised if he is released on bail. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident, on a search made by the police personnel of P.S. Dharseva, District Raipur, 25.600 kg of ganja (narcotic substance) was recovered and seized from the possession of this applicant. Hence, this case.
6. Perused the certified copy of the deposition of the independent witnesses of search and seizure who have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge