

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8319 of 2019**

1. Tokeshwar Banjara S/o Late Shivram Banjara Aged About 37 Years R/o Ghoghra, Lakramunda, Police Station Bakbahar, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
2. Tarachand Banjara S/o Shrichand Banjara Aged About 25 Years R/o Kotba Jhingrel Para, Ward No. 11, Police Station Bakbahar, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Farasgaon, District Kondagaon Chhattisgarh.

---- Respondent

For the Applicants : Shri Anil Gulati, Advocate.
 For the Respondent/State : Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.01.2020**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn on 11.9.2019 in M.Cr.C. No. 5486 of 2019. The applicants who have been arrested in connection with Crime No.38 of 2018, registered at Police Station – Farasgaon, District – Kondagaon, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 19.4.2018 and have been falsely implicated in this case. The independent witnesses of search and seizure have been examined before

the trial Court who turned hostile and not supported the prosecution case. Hence, it is prayed that the applicants be enlarged on 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 there are witnesses to be examined who may support the prosecution case and further, it is submitted that the huge quantity of ganja (narcotic substance) has been seized from the possession of these applicants and they are also residents of other State. Hence, the applicants are not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, 106.646 of ganja (narcotic substance) was seized from the possession of these applicants by the police personnel of P.S. Farasgaon, District Kondagaon while they were transporting the same in a vehicle. Hence, this case.

6. Considering the fact that the applicants are in jail since 1 year 9 months and the trial against the applicants is still pending and further, for the reason that the independent witnesses of search and seizure have not supported the prosecution case, therefore, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their 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