

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 127 of 2020

1. Suhash Nimbalkar S/o Dantatrey Nimbalkar, Aged About 28 Years, R/o Dighi Ward No. 2, Near Primary School, Thana Karjat, District- Ahmednagar, Maharashtra., District : Ahmadnagar, Maharashtra
2. Subhash Baghmode S/o Popat Baghmode, Aged About 28 Years, R/o Dighi Ward No. 2, Near Primary School, Thana Karjat, District- Ahmednagar, Maharashtra., District : Ahmadnagar, Maharashtra
3. Yogesh S/o Bhanudas, Aged About 30 Years, R/o Aagi Ward No. 2, Near Hanuman Temple, Thana Jamkheda, District- Ahmednagar, Maharashtra., District : Ahmadnagar, Maharashtra

---- Petitioner

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Komakhan, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicants – Shri Vikas Pradhan, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicants for grant of regular bail. Their first bail application, MCRC No.3060/2019 was dismissed as withdrawn on 02-07-2019 with liberty to revive the application after six month. Their second bail application, MCRC No.5758/2019 was prematurely filed, therefore, it was dismissed at the motion stage on 29-08-2019. The applicants have been arrested on 30-07-2018 in connection with Crime No.95/2018 registered at P.S. - Komakhan, District- Mahasamund, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.
2. It is submitted on behalf of the applicant that the applicants are innocent and they have been falsely implicated in this case. The independent witnesses of search and seizure have been examined before the trial Court who have not

supported the prosecution case. Therefore, it is prayed that the applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that all the applicants are resident of Maharashtra State and if they are released on bail, they may not be available for trial. Hence, the application may be rejected.

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

5. According to the prosecution case, police had made seizure of 176 kg. Ganja from a car which was occupied by these applicants. Hence, this case.

6. Considering that the applicants are in jail since about 1½ years and the trial against them has still not concluded, further, there is development that independent witnesses have not supported the prosecution case in trial, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge