

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 194 of 2021**

Santram Chouhan, S/o. Lakhanlal Chohan, aged about 38 years, R/o. Village Bhathali, Thana – Sariya, District - Raigarh Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station - Sariya, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/02/2021.**

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.156/2020, registered at Police Station – Sariya, District – Raigarh (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs Psychotropic Substances Act. The first bail application of the applicant is dismissed as withdrawn vide order dated 23.12.2020 in M.Cr.C. No. 9244 of 2020.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The seizure witnesses have been examined in the trial, who have not supported the prosecution case, hence there is change in circumstances in favour of this applicant. Therefore, it is prayed that the applicant may 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 huge quantity of contraband has been seized from the possession of this applicant, therefore, he 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, it is alleged that on the date of incident 30 Kg. Ganja was seized from the possession of this applicant in presence of the witnesses.
6. Considered on the submissions and also perused the deposition filed along with the application according to which seizure witnesses have not supported the prosecution case and they have been declared hostile by the prosecutor, hence, looking to this development in the trial, 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