

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 353 of 2021**

- Shivshankar Patel, S/o Late Chandrama, Aged About 35 Years, R/o Village- Bikapur, P.S.- Phulpur, District- Varanasi (U.P.).

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kanker, District- Uttar Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sushil Dubey and Mr. Aman Upadhyay, Adv.
For Respondent/State	: Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.02.2021**

1. The accused/applicant has moved this **third bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 247/2019 registered at Police Station- Kanker, District- Uttar Bastar Kanker (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of the material witnesses vide order dated 27.01.2020 passed in MCRC No. 7951/2019.
3. The second bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of memorandum and seizure witnesses vide order dated 17.09.2020 passed in MCRC No. 3122/2020.
4. The prosecution story, in brief is that, on the basis of secret information, total 3 quintal 37 kilo 450 gram Ganja which was contained in 17 plastic bags has been recovered from 10

wheeler truck bearing No. UP 63 T0642 which was in possession of applicant and other co-accused person. Thereafter, offence has been registered against the present applicant.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that prosecution witnesses have not supported the prosecution case and turned hostile. The applicant is in jail since 09.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. It is submitted that huge quantity of ganja has been recovered from the possession of present applicant and the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on bail.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecution witnesses have also not supported the prosecution case and turned hostile. The applicant is in jail since 09.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge