

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1290 of 2021**

Jaypal S/o Bhana Aged About 23 Years Cast- Banjara, R/o Malaheda, P.S.
And Tahsil- Manasa, District- Nimach, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Tongpal, District- Sukma, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajesh Jain, Advocate.

For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.06.2021**

Heard.

1. This is the first 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.39 of 2020, registered at Police Station – Tongpal, District – Sukma, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.11.2020 and has 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 applicant 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 the huge quantity of contraband has been seized from the possession of this applicant. Hence, the applicant is 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, on the date of incident, 41.350 kg of ganja (narcotic substance) was seized from the possession of this applicant when the same was being transported by him on a motorcycle. Hence, this case.

6. Considered the entire material present in the case-diary. It appears that the independent witnesses of search and seizure have not supported the prosecution case and the trial against the applicant is getting delayed. Hence, for these reasons, I am of the view that the present is a fit case for grant of 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 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. 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

Nimmi