

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1773 of 2021**

- Bhagat Sethiya S/o Samunath Sethiya Aged About 43 Years R/o Nakapara Village Tongpal Police Station Tongpal District Sukma Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Jagdalpur (Chowki) District Bastar Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. P. S. Baghel, Advocate.
For Respondent/State	:	Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.03.2021**

1. Heard.
2. Admit.
3. The applicant has filed this **third bail application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 455/2019 registered at Police Station : Jagdalpur, District Bastar (C.G.) for the offence punishable under Section 20-B of the NDPS Act.
4. The earlier bail applications of the applicant were dismissed as withdrawn on 22.05.2020 & 08.12.2020 passed in MCRC Nos. 7746/2019 & 4262/2020 respectively. However, liberty was given to the applicant to revive the same after examination of memorandum seizure witnesses.
5. According to the prosecution story, on the basis of information received from an informant, Police Personnel apprehended a truck bearing Registration No. C.G. 04 JA 4461

which was coming from Odisha and seized total 650.00 Kg. contraband article cannabis (Ganja) from the possession of applicant.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. Referring to Annexure A/7 & Annexure A/8 counsel for the applicant would submit that the independent search and seizure witnesses and PW-3 Amrit Kujur, constable, respectively have been examined by the trial Court and both witnesses have not supported the prosecution case. He further submits that applicant is in jail since 30.08.2019 and he ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
7. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned Counsel for the parties.
9. Considering the facts and circumstances of the case, the detention period of the applicant, and further considering that as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
10. Accordingly, the bail application is allowed.
11. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge