

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2863 of 2021**

1. Nikhilesh @ Nikhil Shrivastav, S/o. Late Rakesh Shrivastav, aged about 25 years, R/o. MIG 03, Housing Board Industrial Area Durg, Thana Jamul, District Durg Chhattisgarh
2. Linesh Santosh S/o Santosh Chariyan, aged about 24 years, R/o. 711, Housing Board Industrial Area Durg, Thana Jamul, District Durg Chhattisgarh
3. Pintu Kumar Sahani S/o Kanhaiya Ram Sahani, aged about 31 years, R/o. MIG 380 Colony Ward No. 36, New Khursipar, Thana Bhilai, District Durg Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Rajim District Gariyaband Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/06/2021**

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 applicants, who have been arrested in connection with Crime No.208/2020, registered at Police Station – Rajim, District – Gariyaband (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that witnesses of search and seizure in this case namely Arjun Dheewar and Deepak Kumar Sahu, have been examined, before the trial Court and they have not supported the prosecution case in any respect, therefore, there is no case left against these applicants. The applicants are in jail since 01.11.2020. Hence, it is prayed that the applicants 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 it is a case of seizure of huge quantity of the contraband of 90 Kg., which is a commercial quantity. The other witnesses are yet to be examined, who may establish the prosecution case. Hence, it is prayed that the applicants may not be released on regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the police personnel of Police Station – Rajim have made seizure of 90 Kg. of Ganja from the car bearing No.GJ-01/K.D.-8684 and from the car bearing No. C.G.-09/J-9999, which were occupied by these applicants and on that basis, the case has been registered.
6. Considered on the submissions and also perused the certified copy of the deposition of witnesses of search and seizure and it is found that they have been declared hostile by the prosecutor, for not supporting the prosecution case. Looking to this development of this case in the trial, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Hem