

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2772 of 2021**

1. Bijay Bhesera, S/o. Ganesh Bhesera, aged about 25 years, R/o. Village Sakma, Post Maldovpati, Thana Pinka, District Sonpur (Odisha).
2. Gurudev Bagh, S/o. Surli Bagh, aged about 19 years, R/o. Village Gulihapadar, Post Chinjhuri, Thana - Dogaripali, District Sonpur (Odisha).
3. Aman Naresh Ganvir, S/o. Naresh Ganvir, aged about 27 years, R/o. Plot No. 37, Pipal Road Near Sharda Mandir, Sharda Nagar Hudkeshvar, Thana Nagpur, District Nagpur (Maharashtra).

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Singhoda, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/06/2021**

Heard.

1. Admit.
2. Learned State counsel submits that case diary is available in this case.
3. Both the counsels agreed to make their submissions.

4. 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.67/2020, registered at Police Station – Singhoda, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act
5. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. They are in jail since 29.08.2020. The independent witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Hence, there is no case left against these applicants. Therefore, it is prayed that the applicants may be released on bail.
6. 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 recovery of huge quantity of Ganja from the possession of these applicants. The Investigation Officer is yet to be examined, which may turn the table, therefore, the application be rejected.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. According to the prosecution case, the police personnel of Police Station- Singhoda, District – Mahasamund made recovery of 70 Kg. of Ganja from the pick-up truck No. OD-31-E-5730, which was in possession of the applicants.

9. Considered on the submissions. Perused the certified copy of the depositions of the independent witnesses of search and seizure and it is found that they are totally hostile witness, hence, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
11. 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

Balram