

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2642 of 2021**

Kanha Sahu S/o Ugrsen Sahu, Aged about 29 years,  
village Dudhipali, Thana Basna, Distt. Mahasamund,  
Chhattisgarh.

**---Applicant**

**Versus**

State Of Chhattisgarh Through Station House  
Officer, Police Station- Basna, Distt. Mahasamund,  
Chhattisgarh.

**--- Non-applicant/State**

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For Applicant :- Mr. Vikash Pradhan, Advocate  
For State :- Mr. Avinash Singh, P.L.

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**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order on Board**

**27/08/2021**

1.This is the second bail application filed under  
Section 439 of the Cr.P.C. for grant of regular  
bail to the applicant, who has been arrested in  
connection with Crime No. 204/2020, registered at  
Police Station-Basna, District Mahasamund (C.G.),  
for the offence punishable under Section 20-B of  
NDPS Act. The first bail application filed by the  
applicants was dismissed as withdrawn with liberty  
to file afresh after examination of material  
prosecution witnesses.

2. Case of prosecution, in brief, is that 15.5 kgs of Ganja was seized from the possession of the present applicant and he, thereby, committed the aforesaid offence.

3. Learned counsel for the applicant submits that the applicant is in jail since 03/05/2020 and after dismissal of the first bail application, seizure witnesses namely Praveen Kumar Sidar, Pratap Singh Sidar and Ashwani Sidar have been examined and they have not supported the case of prosecution and there is non-compliance of Section 50 of the NDPS Act and moreover, the present applicants do not have any role in commission of the aforesaid offence and they have falsely been implicated in the crime in question, as such, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, the facts and circumstances of the case and further considering the statement of the witnesses and that the quantity seized is though more than small quantity but is less than

commercial quantity and the applicant has been in in custody for more than one year, I am of the considered opinion that present is a fit case where the applicant can be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail.

8. Certified copy as per rules.

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**

Harneet