

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2908 of 2021**

1. Hanumant, S/o Kishan Savant, aged about 29 years, R/o Kamtapada, Post Abviwali, Police Station and Tahsil Karjat, Revenue and Civil District Raigarh, Maharashtra.
2. Bhagwan Kade, S/o Parshuram Kade, aged about 28 years, R/o Village Wadgaon Mawal, Mohalla - Wudepada, Police Station Wadgaon, Revenue and Civil District Pune, Maharashtra.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Police Station Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants	:	Shri Sanjay Agrawal, Advocate.
For Non-applicant/State	:	Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****02.07.2021**

1. Heard on the application filed under Section 439 of Cr.P.C. This is the second bail application filed for grant of regular bail. The previous application MCRC No. 8096 of 2018 was dismissed on merit on 27.11.2018 by the Coordinate Bench of this Court, which is no longer available.
2. The Applicants have been arrested on 08.07.2018 in connection with Crime No. 302 of 2018 registered at Police Station Arang, District Raipur for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substance Act, 1985.

3. It is submitted by the learned counsel for the Applicants that Applicant has been falsely implicated in this case. The Applicants are in jail since 08.07.2018. Charge-sheet has been filed and the trial against them is not making any progress. The material witnesses *i.e.*, the witnesses of search and seizure have been examined, who have not supported the prosecution case in any manner. Therefore, it is prayed that the bail may be granted to the Applicant.
4. The learned counsel for the State opposes the application and it is submitted that the quantity of contraband is huge to the tune of 102 kg Cannabis. Secondly, the Applicants are resident of Maharashtra, therefore, in case they are released on bail, they may not be available for the trial. Hence, the Applicants are not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the record.
6. As per the prosecution case, the Police personnel of Police Station Arang, District Raipur make seizure of 102 kg of Cannabis from the joint possession of both the Applicants, on the basis of which the offence has been registered.
7. Considered on these submissions. It appears that the trial against the Applicants have been pending and it is getting extended due to the pandemic situation, further the witnesses of search and seizure have been examined in the trial, who have not supported the prosecution case, therefore, I am inclined to allow this bail application.
8. Consequently, the application filed by the Applicants under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.

9. It is directed that the Applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one surety 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