

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4150 of 2021**

1. Vinesh Kumar S/o Ram Sevak Kumar, Aged About 25 Years, Cast Jatav, Resident of Sahjad Nagar, Thana Bilsa District Badaun Uttar Pradesh.
2. Shivam S/o Suresh Kumar, Aged About 27 Years, Cast Jatav, Resident of Village Ahroli, Post Atarpura Thana Bisauli, District Badaun Uttar Pradesh.

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, (Jagdalpur) District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

**----Non-applicant**

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For Applicants – Mr. Vikas Pradhan, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**20-07-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 15-07-2020 in connection with Crime No.110/2020 registered at P.S. - Nagarnar, District Bastar, Chhattisgarh for the offence under Section 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act and Section 25 of Arms Act.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated. They are in jail since 15-07-2020. The witnesses of search and seizure have been examined who have not supported the prosecution case, therefore, there is nothing left in favour of the prosecution. Hence, it is prayed that these applicants be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that commercial quantity of ganja has been seized from the possession of these applicants along with one illegal firearm and cartridges. Further, the applicants are resident of Uttar Pradesh, therefore, if they are

released on bail, they may not be available for trial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, 52 kg. Ganja and one number of illegal country made pistol and cartridges were seized from the possession of these applicants, regarding which the case has been registered.

6. Considered on the submissions and also perused certified copy of the deposition of the witnesses of search and seizure who have clearly not supported the prosecution case for which they have been declared hostile by the prosecutor. Therefore, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**