

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2931 of 2021**

1. Saiyyad Sabir, S/o Saiyyad Kadir, Aged About 21 Years, R/o Village- Chotagaon, Near Mahadev Mandir, Ward 21, Tehsil & Thana- Nadura, District- Buldhana, Maharashtra.
2. Vikram Gajanand Gorakh, S/o Gajanand Gorakh, Aged About 30 Years, R/o Village- Mahdungi, Near Supo Mandir, Tehsil & Thana- Nadura, District- Buldhana, Maharashtra.

---- Applicants**Versus**

- State Of Chhattisgarh Through: Police Station- Nagarnar, District- Bastar, Chhattisgarh.

---- Respondent

For Applicants	: Shri Sanjay Agrawal, Adv.
For Respondent/State	: Shri Roshan Dubey, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.06.2021**

1. Heard.
2. The accused/applicants have moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 99/2020 registered at Police Station- Nagarnar, District- Bastar (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act.
3. The first bail application of the applicants was dismissed as withdrawn vide order dated 06.04.2021 passed in MCRC No. 2442/2021.
4. The prosecution story, in brief is that, on the basis of secret information, police personnel have intercepted and seized total 50 Kg of contraband Ganja from the possession of the applicants. Thereafter, offence has been registered against the present applicants.

5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that all prosecution witnesses including memorandum and seizure witnesses have not supported the prosecution case before trial Court and turned hostile and the applicants are in jail since 21.06.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the records.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that all prosecution witnesses including memorandum and seizure witnesses have not supported the prosecution case before trial Court and turned hostile and the applicants are in jail since 21.06.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**