

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4057 of 2021

1. Sumod Ahirwar S/o Vishnu Ahirwar Aged About 24 Years Village Khajaira Uddet, Harijan Mohalla Ward No. 7, Thana Sanaud, District Sagar Madhya Pradesh
2. Vishnu Prasad Patel S/o Balram Patel Aged About 31 Years Resident Of Village Padariya Thana Sanaud, District Sagar Madhya Pradesh.

---- Applicants

Versus

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

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Mr. Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicants have been arrested on 26.06.2020, in connection with Crime No.49/2020, registered at Police Station— Singhoda, District- Mahasamund, C.G. for offence punishable under Sections 20(b) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants have been in jail since 26.06.2020. Charge-sheet has been filed but the trial has not made any progress. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Hence, under these circumstance, the applicants may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that it is a case of seizure of huge quantity of cannabis that

is 420 kg from the possession of these applicants. And further, there is Investigating officer remaining to be examined. Hence, the applicants should not be granted bail at this stage.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, seizure of 420 kg of ganja was made from a truck No. CG 07 CA 6918, in which these applicants were travelling. Hence, this case.
6. Considered on the submissions. Perused the certified copy of deposition of the witnesses, the seizure witnesses have turned totally hostile and have not supported the prosecution case in any manner. Hence, looking to this development in the trial, 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 their furnishing a personal bond in the sum of Rs.25,000/- with two surety each 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