

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4069 of 2021

- Vikrant Singh Rajput S/o Thakur Ranveer Singh Aged About 26 Years
R/o Changorabhatha, Raipur, Thana D.D.U. Nagar Raipur, District
Raipur Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-07-2021

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 applicant has been arrested on 29.05.2019 in connection with Crime No.87/2019 registered at Police Station— Komakhan, District- Mahasamund, C.G. for offence punishable under Section 20 (B) ii (c) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant is in jail since 29.05.2019. There is no case against this applicant. The witnesses of search and seizure have been examined in the trial, who have not supported the prosecution case. Hence, under these circumstances, this applicant is entitled for grant of bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of contraband is huge which is about 120 Kg. Of cannabis and the investigating officer is yet to be examined. Therefore, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the police personnel of Police Station Komakhan, District- Mahasamund, C.G. stopped the car, which was occupied by this applicant. On making search of the car, 120 kg. ganja was found being transported, which was seized on the spot. Hence, this case.
6. Considered on the submissions that are present on perusal of the certified copy, the deposition of the witnesses filed along with the application, it is found that the witnesses of search and seizure have not supported the prosecution case and they are totally hostile. Hence, taking into consideration this development, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge