

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3534 of 2021**

1. Adil Khan son of Samim Khan Aged About 45 Years Caste- Muslim, Aged About 45 Years, Resident Of Tuglakabad, Police Station - Pul Prahladpur, V.P. Singh Camp, District- Mehroli, New Delhi.
2. Mohd. Ismail Ansari Son Of Jamdar Hassan Aged About 35 Years Caste - Muslim, Resident Of Surajpur, Police Station- Piprakoti, District- Motihari (Bihar).

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Basantpur, District - Balrampur-Ramanujganj (Chhattisgarh).

---- Respondent

For the Applicants : Shri Bhupendra Singh, Advocate.
 For the Respondent/State : Ms. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.139 of 2017, registered at Police Station – Basantpur, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Section 279 of the Indian Penal Code and Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that they are in jail since 14.11.2017 and have been falsely implicated in this case. No progress has taken place in the trial against the applicants. The material witnesses,

namely, witnesses of search and weighment procedure have not supported the case. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that these applicants were occupying the truck carrying 2.92 quintals of ganja (narcotic substance), which was chased by the police, when the truck turned turtle, the applicants ran away from the spot but they were chased and arrested. Seizure was made and ganja (narcotic substance) was seized from the possession of these applicants. Hence, the applicants are not entitled for grant of regular bail.

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

5. 2.92 quintals of ganja was seized from the possession of these applicants while the same has been transported by them. Hence, this case.

6. Considered on the submissions. Perused the certified copy of the deposition of the witnesses of search and seizure. Both the witnesses of search and seizure have not supported the prosecution case in any respect, therefore, they have been declared hostile by the prosecutor. Similarly, the witness of weighment procedure has also turned hostile. Hence, looking to this development and also considering the fact that the trial against the applicants continuing so far for about more than 2 ½ years, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge