

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4370 of 2021

- Shri Manendra Kumar Meena S/o Shri Gyaniram Meena Aged About 22 Years R/o Umray, Police Station Badi And District Dhoulpur Rajasthan.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kukanaar, Sukma, District Sukma Chhattisgarh.,

---- Respondent

For Applicant	: Shri Ashutosh Shukla and shri Ashok Kumar Komra, Advocates
For Respondent /State	: Ms. Shubha Shrivastava, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board By Virtual Hearing

26/08/2021

The applicant has filed this third application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.19/2019 registered at police station Kukanaar, Sukma district Sukma(CG) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act.

The first bail application of the applicant was withdrawn vide order dated 14.02.2020 in M.Cr.C. No. 79/2020 whereas the second bail application was dismissed as withdrawn with liberty vide order dated 07.01.2021 in M.Cr.C. No. 7092/2020.

As per prosecution case, on the basis of secret information, the police found the applicant and co-accused in possession of 10 jute bags containing 3.95 quintals of ganja in the jungles of Dodhrepal village of police station Kukanaar. It is alleged that on seeing the police, one of the accused ran away from the spot.

Counsels for the applicant submits that the applicant has been falsely implicated in the case. It is submitted that the memorandum and seizure witnesses (PW-1 & 2) have not supported the prosecution case before trial court. Lastly, it is submitted that the applicant is in jail since 16.06.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that the memorandum and seizure witnesses have turned hostile, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 1,00,000/- with one local surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge