

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4823 of 2021

- Golu Solanki, S/o Pappu Solanki Aged About 21 Years Caste Dhobi R/o Bhaniwada Thana Udaipura District- Raisen, Madhya Pradesh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station- Tongpal, District-Sukma, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate.
For State/respondent	: Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/08/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.29/2019 registered at Police-Station-Tongpal, District-Sukma, Chhattisgarh for the offence punishable under Sections 20(B) of Narcotics Drugs and Psychotropic Substances Act, 1985.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 26.07.2019. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case,

therefore, this is a new development on that basis, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that huge quantity of ganja, the narcotic substance has been seized from the possession of this applicant and the others, which is commercial quantity, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. 102.600 kg ganja the narcotic substance was seized from the possession of this applicant and two other co-accused persons jointly, which was being transported in a car. Hence, this case.
6. Considered on the submissions. Perused the certified copy of deposition of the witnesses of search and seizure, which has been filed along with the application, these witnesses have not supported the prosecution case, hence, this is a new development which is taken into consideration, and for these reasons, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge