

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4981 of 2021**

Jitendra Vishwkarma S/o Ramsiya Vishwkarma, Aged about 26 years, R/o Village Chhekau, Police Station Dheerpura, Distt. Dattya, Madhya Pradesh.

---Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Bodla, Distt. Kabirdham, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Dharmesh Shrivastava, Advocate
For State :- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/11/2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 147/2020, registered at Police Station - Bodla, District Kabirdham (CG), for the offence punishable under Section 20(b) of the NDPS Act.

2. The first bail application filed by the applicant was dismissed as withdrawn with liberty to file after the examination of material prosecution witnesses.

3. Case of the prosecution, in brief, is that the applicant along with one co-accused was found to be in possession of 21 kgs of ganja and thereby, he committed the aforesaid offence.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question. He would also submit that the prosecution witnesses namely Pappu Sahu and Heeralal Sahu have been examined and they have not supported the case of the prosecution. He would further submit that the applicant is in jail since 03/07/2020 and no purpose would be served in keeping him in jail and even otherwise, the quantity of the ganja is slightly less than commercial quantity which has been recovered from two persons, as such, the applicant be released on bail.
5. On the other hand, learned counsel for the State would oppose the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that 21 kgs of ganja has been recovered from two persons and

further taking stand of the appellant that he has been in custody for more than one year, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

10. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet