

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4937 of 2021

- Mohammad Tanveer, S/o Iqbal Azhar, Aged About 34 Years, Caste Momin, R/o Aajri Maajri Ahmad Nagar, Thana Kalmana, District-Nagpur, Maharastra

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Nagarnaar, District Bastar Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/08/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.855 of 2021 vide order dated 15.6.2021 was dismissed as withdrawn.
2. This 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.100/2020 registered at Police-Station-Nagarnaar, District-Bastar, Chhattisgarh for the offence punishable under Sections 20(B) of Narcotics Drugs and Psychotropic Substances Act, 1985.

3. 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 22.06.2020. 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.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the quantity of ganja seized from the possession of this applicant is huge that is more than commercial quantity. Further, the applicant is resident of Maharashtra, therefore, in case he is granted bail he may not be available for trial, hence, application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. 109 kg ganja the narcotic substance was seized from the possession of this applicant and one other co-accused person, while the same was being transported by them. Hence, this case.
7. 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 in any manner, 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.
8. 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

Nisha