

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5017 of 2021**

Raghuveer Gurjar S/o Rambharosa Gurjar Aged About 22 Years Resident Of Village Awan, Thana- Raghogarh, District - Guna (Madhya Pradesh).

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station - Singhoda, District- Mahasamund (Chhattisgarh).

---- Respondent**M.CR.C. No. 5031 of 2021**

Sanjay Vishwkarma S/o Govind Vishwkarma Aged About 29 Years R/o Village- Jamner, Thana- Jamner, District- Guna (Madhya Pradesh) (Wrongly mention Thana- Guna).

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station - Singhoda, District- Mahasamund (Chhattisgarh).

---- Respondent**AND****M.CR.C. No. 5253 of 2021**

Majbut Singh S/o Amar Singh Aged About 44 Years Resident Of Village Khedali, Thana Jamner, District Guna Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station - Singhoda, District- Mahasamund (Chhattisgarh).

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/08/2021**

1. All the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.

2. These are the first bail applications 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.56/2020, registered at Police Station – Singhoda, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs Psychotropic Substance Act.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 16.07.2020. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that quantity of the contraband seized is 50 Kg., which is more than commercial quantity. Further the applicants are residents of Madhya Pradesh and if they are released on bail, they may not be available for trial. Hence, the applications be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, 50 Kg. Ganja was seized jointly from the possession of these applicants, which was being transported in a vehicle. Hence, this case.
7. Considered on the submissions. Perused the certified copy of the depositions filed along with M.Cr.C. No. 5017 of 2021. The witnesses of search and seizure have totally turned hostile and not supported the prosecution case. Hence, looking to this development

in the trial against these applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, all the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram