

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5293 of 2021**

1. Nilambar Karan, S/o Bhojraj Karan, Aged About 26 Years, Resident Of Village Bisesarpali, Thana Lacchipur, District-Sonpura, Odisha.
2. Fakir, S/o Shatrughan Bibhar, Aged About 20 Years, Resident Of Village Sukrabhantha, Thana Kontamal, District-Baudh, Odisha.

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Sankara, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For State/respondent	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/09/2021**

Heard.

1. This is the second bail application filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973. Their first application MCRC No.2885 of 2021 vide order dated 8.6.2021 was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.120/2020 registered at Police-Station-Sankara, District-Mahasamund(C.G.) for the offence punishable under Sections 20(b) of NDPS Act.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. They are in jail

since 14.08.2020. The witness of search and seizure have been examined in the trial and they have not supported the prosecution case, hence, on the basis of this development, it is prayed that these applicants 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 it is a case of possession of commercial quantity of ganja against the applicants, therefore, the application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. On the date of incident 57kg ganja the narcotic substance was seized from the possession of both the applicants when the same was being transported by them in a car. Hence, this case.
7. Considered on the submissions. Perused the certified copy of deposition of the witnesses of search and seizure, it is found that they have not supported the prosecution case and declared hostile, therefore, looking to this development in the trial against these applicants, 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 applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge