

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5586 of 2021

- Himanshu Jaiswal S/o Shri Yashwardhan Jaiswal Aged About 29 Years
R/o M.D.-899, Deepka Colony, Tehsil- Katghora, District- Korba,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer- P.S- Deepka,
District- Korba, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sanjay Patel, Advocate.

For Non-applicant/State : Mr. Amit Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 06.11.2021, in connection with Crime No.206/2020, registered at Police Station- Deepka, District- Korba, C.G. for offence punishable under Section 20(B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 06.11.2021. The witnesses of search and seizure namely- Roshan Chouhan and Prahalad Chouhan have been granted bail by this Court in M.Cr.C. No.3368 of 2021 vide order dated 06.07.2021, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that 60 kg. Ganja was seized from the possession of this applicant, which is a commercial quantity, therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, in total 203 kg. Ganja was seized from the possession of this applicant and the co-accused persons. Hence, this case.
6. Considered on the submissions. The certified copy deposition of the witnesses of search and seizure is filed, on perusal of the same, it is found that they have turned hostile and not supported the prosecution case. Therefore, it is a fit case for grant of bail.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge