

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.5579 of 2021**

- Vinayak Panda S/o Ashok Panda Aged About 28 Years R/o Pandeshwar Mandir Road, Police Station Dharamgarh, District Kalahandi (Odisha)

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through The Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh

**---- Non-applicant**

---

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

---

**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 02.06.2020, in connection with Crime No.54/2020, registered at Police Station- Devbhog, District- Gariyaband, 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 02.06.2020. The witnesses of search and seizure have been examined, who have turned hostile, therefore, there is no case present against this applicant. 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 the applicant is resident of Odisha, therefore, in case,

he is granted bail, he may not be available for trial and further, the total seizure of ganja in this case is 25.860 kg., which is a commercial quantity, therefore, it is prayed that this application may be granted.

4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, the police personnel of Police Station- Devbhog, District- Gariyaband made a seizure of 5.240 kg ganja and 20.620 kg ganja from the accused regarding which the case has been registered. Hence, this case.
6. Considered on the submissions. Perused the certified copy of deposition of the witnesses of search and seizure, which is filed along with the application, it is found that these witnesses have totally turned hostile and have not supported the prosecution case. Hence, looking to this development, I feel inclined to allow this application.
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