

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5592 of 2021**

1. Ashok Kumar Dehari, S/o. Prasann Kumar Dehari, aged about 26 years,
 2. Ashok Kumar Sahu, S/o. Anirudh Sahu, aged about 27 years,
- Both are R/o. Village Jagannath Prasad, Thana, Naktideul, District Sambalpur (Odisha).

---- Applicants**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****27/08/2021**

1. This is the second bail application 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.95/2020, registered at Police Station – Singhoda, District – Mahasamund (C.G.) for the offence punishable under Section 20 (B) of Narcotic Drugs Psychotropic Substance Act. The first bail application of the applicants has been dismissed as withdrawn with liberty to revive the same after examination of the material

witnesses.

2. 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 02.11.2020. Witnesses of search and seizure have been examined and they have not supported the prosecution case, therefore, there is nothing left against these applicants. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case of huge quantity of ganja, which was more than commercial quantity and further both the applicants are resident of State of Odisha, therefore, in case they are released on bail, they may not be available for trial. Hence, it is prayed that the applicants may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 1005 Kg. Ganja was seized from the possession of the applicants, when the same was being transported by them in the vehicle, by the police personnel of Police Station – Singhoda, District - Mahasamund.
6. Considered on the submissions. Perused the certified copy of the depositions of the witnesses of search and seizure, it is found that they have not supported the prosecution case, therefore, this is new development in favour of the applicants, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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