

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5931 of 2021**

1. Rajbahadur S/o Guddu Raidas Aged About 49 Years R/o Village- Bharatkup, Thana- Chitrakoot, District- Chitrakoot, Uttar Pradesh.
2. Virendra Gupta S/o Salikram Gupta Aged About 23 Years R/o Village- Atarra, Thana- Banda, District- Banda, Uttar Pradesh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Nagarnar, District- Bastar, Chhattisgarh.

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
 For the Respondent/State : Shri Anil Tripathi, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.09.2021**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn in M.Cr.C. No.2822 of 2021 dated 1.7.2021. The applicants have been arrested in connection with Crime No.210 of 2019, registered at Police Station – Nagarnar, District – Bastar, Chhattisgarh for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 14.9.2019 and have been falsely implicated in this case. The material witnesses of search and seizure have been examined before the trial Court and they have not supported the prosecution case, therefore, nothing is left in the prosecution against the applicants. Hence, it is prayed

that the applicants 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 huge quantity of contraband was seized from the possession of these applicants and further, both the applicants are residents of Uttar Pradesh, therefore, if they are released on bail they may not be available for the trial. Hence, no case is made out for grant of regular bail to the applicants.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, 550 kg of ganja (narcotic substance) was seized from the possession of both these applicants. Hence, this case.

6. Considered the submissions and the facts present in this case. On perusal of the certified copy of the deposition of the seizure witnesses filed alongwith the application, it is found that these witnesses have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicants.

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

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi