

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5888 of 2021**

Akshay Kumar S/o Sadhuraam Aged About 22 Years R/o Vikashnagar
Amanpur, P.S. Karbi, District Chitrakoot (U.P.).

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bagbahra, District
Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Shubhank Tiwari, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.09.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.181 of 2020, registered at Police Station – Bagbahra, District – Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.9.2020 and has 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 applicant. Hence, it is prayed that the

applicant 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 possession of commercial quantity of ganja, which was seized from the joint possession of this applicant and the other co-accused persons. Hence, no case is made out for grant of regular bail to the applicant.

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

5. In total, 42 kg of ganja (narcotic substance) was seized from the joint possession of this applicant and 3 other co-accused persons. Hence, this case.

6. Considered on the submissions. Perused the certified copy of the deposition of the witnesses of search and seizure filed alongwith the application, it is found that these witnesses have been declared hostile as they have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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

8. It is directed that 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 trial Court, for his 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