

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6011 of 2021

- Akash Adiwasi S/o Kailash Adiwasi Aged About 26 Years Resident Of Ward No. 3, Near Shivam Talkies Datiya Thana Datiya, District Datiya Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The first bail application of this applicant in M.Cr.C. No.2748 of 2021 was dismissed as withdrawn on 30.06.2021. The applicant has been arrested on 23.11.2019, in connection with Crime No.261/2019, registered at Police Station- Bagbahara, District- Mahasamund, 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 30.06.2021. Trial against this applicant is getting delayed. The witnesses of search and seizure have been examined and they have not supported the prosecution case. Therefore, on this basis, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that it is a case of possession of commercial quantity of ganja and the applicant is resident of M.P., therefore, this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, 60 kg. Ganja was seized from the possession of this applicant and the same was being transported by him in a vehicle. Hence, this case.
6. Considered on the submissions and perused the certified copy of deposition of the witnesses of search and seizure, it is found that they have not supported the prosecution case, hence, looking to this development in trial, 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 local 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