

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6100 of 2021

- Udaram Gurjar S/o Bheruram Gurjar, Aged About 31 Years, R/o Village Dholasari, Police Station Dataramgad, Tehsil and District Sikar, Rajasthan., District : Sikar, Rajasthan

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bagbahara, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Priyank Rathi, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-06-2020 in connection with Crime No.107/2020 registered at P.S. - Bagbahara, District Mahasamund, Chhattisgarh for the offence under Section 20(B) of NDPS Act.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His earlier bail application MCRC No.5640 of 2020 was dismissed as withdrawn on 03-08-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 20-06-2020. The co-accused in this case Prakash Chand Choudhary has been granted bail by this Court in MCRC No.8852 of 2020 by order dated 27-07-2021. This applicant is also similarly placed. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that it is a case of seizure of huge quantity of ganja which is more than commercial quantity and that the trial is still pending, therefore, the

application may be rejected.

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

5. According to the prosecution case, police personnel of P.S. Bagbahara, District Mahasamund made seizure of 190 kg. ganja jointly from the possession of this applicant and co-accused Prakash Chand Choudhary. Hence, this case.

7. Considered on the submissions. Co-accused Prakash Chand Choudhary was granted bail by this Court on the ground that the witnesses of search and seizure have been examined and they have not supported the prosecution case, and this applicant also appears to be similarly placed, hence, his application also deserves to be allowed.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge