

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6023 of 2021

- Shivanand Patel S/o Late Tulsidas Patel Aged About 40 Years R/o Village Duvgava, Post And P.S Mauganj, District Rewa (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Kotwali, Jagdalpur District Bastar Chhattisgarh

---- Respondent

M.Cr.C. No.6710 of 2021

- Ashok Patel S/o Late Tulsidas Patel Aged About 46 Years R/o Vill Duvgava, Post And P.S. Mauganj, District- Rewa (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Kotwali Jagdalpur District- Bastar (C.G.)

---- Respondent

For Applicants	: Mr. Vikash A. Shrivastava, Advocate.
For Non-applicant/State	: Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

09-09-2021

Heard.

1. These are second bail applications filed by applicants. The earlier application of applicant Shivanand Patel in M.Cr.C. No.3772/2021 was dismissed as withdrawn on 07.07.2021 and the application of applicant -Ashok Patel in M.Cr.C. No.3744/2021 was dismissed as withdrawn on 07.07.2021.
2. As both these applications arise out of the same crime numbers i.e. Crime No.319/2020, registered at P.S.- Kotwali, District- Bastar (C.G.), convicted for the offences under Sections 20(B)(ii)(c) of N.D.P.S. Act, therefore, they are being decided by this common order.
3. Learned counsel for both the applicants submits that these applicants have been falsely implicated in this case and they are in jail since 13.07.2020. The witnesses of search and seizure have been examined in trial and they have not supported the prosecution case, hence, on this basis, it is prayed that these applications may be allowed.
4. Learned counsel for the State/non-applicant opposes the application and submits that it is a case of joint possession of commercial quantity of ganja and both the applicants are resident of Madhya Pradesh and in case, they are granted bail, they may not be available for trial, therefore, it is prayed that these applications may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, 23 kg. Ganja was jointly seized from the possession of these applicants and the same was being transported by them on a motor cycle. Hence, this case.
7. Considered on the submissions. After perusing the certified copy of deposition of witnesses of search and seizure, it is found that they have

not supported the prosecution case, this development cannot be ignored, therefore, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge