

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6211 of 2020**

1. Surendra Sethiya, S/o Gangaram Sethiya, Aged About 25 Years, R/o Village- Kikirpal Police Station- Pushpal Tehsil- Chhindgarh District- Sukma, Chhattisgarh.
2. Shivnath Bisai, S/o Gangaram Bisai, Aged About 25 Years, R/o Village- Kikirpal Police Station- Pushpal Tehsil- Chhindgarh District Sukma, Chhattisgarh.
3. Gopal Yadav, S/o Sukhram Yadav, Aged About 30 Years, R/o Village- Kikirpal Police Station- Pushpal Tehsil- Chhindgarh District Sukma, Chhattisgarh.
4. Balram Nag, S/o Jhitaru Ram Nag, Aged About 30 Years, R/o Village- Kikirpal Police Station- Pushpal Tehsil- Chhindgarh District Sukma, Chhattisgarh.
5. Balram Podiyami, S/o Bhagwan Podiyami, Aged About 27 Years, R/o Village- Tongpal P.S. Malkangiri District Malkangiri (Odisha).

---- Applicants**Versus**

- State Of Chhattisgarh Through- Through Police Station Pushpal District Sukma, Chhattisgarh.

---- Respondent

For Applicants	: Shri Ashutosh Shukla, Adv.
For Respondent/State	: Shri Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08.04.2021**

1. The matter is heard through video conferencing.
2. The accused/applicants have moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 18/2019 registered at Police Station- Pushpal, District- Sukma (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act.
3. Earlier, the first bail application of the applicant was dismissed as withdrawn.

4. The prosecution story, in brief is that, on 11.12.2019, on the basis of secret information, police personnel seized total 1.20 quintal of contraband Ganja from the possession of the applicants. Thereafter, offence has been registered against the present applicants.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that seizure witnesses have been examined before the trial Court and they have not supported the prosecution case and turned hostile. He further submits that the applicants are in jail since 11.12.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the records.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that seizure witnesses have not supported the prosecution case and turned hostile and the applicants are in jail since 11.12.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 2,00,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**