

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6121 of 2021

1. Manoj Nayak S/o Umesh Nayak Aged About 43 Years R/o Village Saddu Thana, Mowa District Raipur (Chhattisgarh)
2. Amit Senapati S/o Rafel, Aged About 40 Years R/o Village Saddu Thana, Mowa District Raipur (Chhattisgarh)
3. Sanju Manjhi S/o Tuni Manjhi, Aged About 29 Years R/o Village Goibandhu Thana, Padampur District Rayagara (Odisha)

---- Applicants

Versus

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

---- Respondent

M.Cr.C. No.6279 of 2021

1. Dipak Manjhi S/o Vijay Manjhi, Aged About 32 Years R/o Village Jamguda, P.S. R Udaygiri, District Gajpati, Odisha
2. Jusiya Malik S/o Lagisa Malik, Aged About 34 Years R/o Manikpur P.S. R Udaygiri, District Gajpati Odisha

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Komakhan, District Mahasamund Chhattisgarh

---- Respondent

For Applicants(in M.Cr.C. No.6121/2021): Mr. Vikash Pradhan, Advocate.

For Applicants(in M.Cr.C. No.6279/2021): Mrs. Kiran Jain, Advocate.

For Non-applicants/State : Ms. Shivali Dubey, Panel Lawyer.

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

15-09-2021

Heard.

1. These are second bail applications filed by applicants. The earlier application of applicants- Manoj Nayak & Ors. in M.Cr.C. No.2855/2021 and the application of applicants- Dipak Manji & Anr. in M.Cr.C. No.2047/2021 both were dismissed on merits by this Court on 25.06.2021.
2. As both these applications arise out of the same crime numbers i.e. Crime No.159/2020, registered at Komakhan, District- Mahasamund (C.G.), convicted for the offences under Sections 20(b) of N.D.P.S. Act, therefore, they are being decided by this common order.
3. Learned counsel for both the applicants submit that these applicants are in jail since 29.07.2020. At present circumstances have changed in favour of these applicants. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Therefore, now it can be held that these applicants are innocent and they have been falsely implicated in this case. Therefore, it is prayed that these applicants may be enlarged on bail.
4. Learned counsel for the State/non-applicants opposes the application and submits that it is a case of possession of 50 kg. Ganja which was in possession of the applicant in both the cases, it is quantity more than commercial quantity. Further, the trial is still pending, therefore, it is prayed that both the applications may be rejected.
5. Heard learned counsel for the parties and perused the case diary.

6. There is no need to consider the applications on the merits again.

Perused the certified copy of deposition filed along with the application it is found that the witnesses of search and seizure have not supported the prosecution case and they have been declared hostile by the prosecutor. Hence, looking to this development in trial, I feel inclined to allow both these applications.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika