

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6957 of 2021**

1. Bhuraram, S/o. Bhiyaram Meghwal, aged about 35 years, R/o. Village Muli Thana- Jhab, Tahsil and District Jalor (Rajasthan).
2. Bhagirath, S/o. Hariramji Bishnoi, aged about 45 years, R/o. Village Bhadrana, Thana Jhab Tahsil and District- Jalor (Rajasthan).

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station-Bagbahara, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/10/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.277/2020, registered at Police Station – Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of N.D.P.S. Act. The first bail application M.Cr.C. No.3930 of 2021 was dismissed as withdrawn vide order dated 09.07.2021 with liberty revive the same after examination of the search and seizure witness.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 15.12.2020. The witnesses of search and seizure have been examined and they have not supported the prosecution case. Hence, it is prayed that the applicants may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants are resident of Rajasthan, therefore, in case they are released on bail, they may not be available for trial. Therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 20 Kg of Ganja was jointly seized from the possession of this applicants by the police. Hence, this case.
6. Considered on the submissions and also perused the certified copy of the deposition of the search and seizure witnesses and it is found that they have not supported the prosecution case for which, they have been declared hostile by the prosecutor. Hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge