

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7103 of 2021**

Kishan Ahirwar S/o Bablu @ Santosh Ahirwar Aged About 23 Years, occupation Labour, R/o Village, in back of water tank Choudhari Mohalla Rampur Thana Gwarighat, District - Jabalpur (M.P.).

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Bagbahara, District - Mahasamund (C.G.)

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.10.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.5206 of 2021 dated 22.7.2021 with liberty to file a repeat application after examination of seizure witnesses. The applicant has been arrested in connection with Crime No.270 of 2020, registered at Police Station – Bagbahara, District – Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.12.2020 and has been falsely implicated in this case. The material witnesses of search and seizure have been examined before the trial Court and they have not supported the prosecution case, therefore, nothing is left

in the prosecution against the applicant. Hence, it is prayed that the applicant be enlarged 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 huge quantity of contraband was seized from the possession of this applicant and further, the applicant is resident of Jabalpur, therefore, if he is released on bail he may not be available for the trial. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, 25 kg of ganja (narcotic substance) was seized from the possession of this applicant, which was being transported. Hence, this case.

6. Considered the submissions and the facts present in this case. On perusal of the certified copy of the deposition of the seizure witnesses filed alongwith the application, it is found that these witnesses have not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge