

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7490 of 2021

- Chhotu @ Karan Kashyap S/o Somaru Ram Kashyap Aged About 28 Years R/o Hatkachora Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kotwali, District Bastar, Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Non-applicant/State	:	Mrs. Astha Shukla, Panel Lawyer.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The first bail application was dismissed as withdrawn in M.Cr.C. No.4211/2021 on 22.06.2021. The applicant has been arrested on 14.01.2021, in connection with Crime No.18/2021, registered at Police Station- Kotwali, District- Bastar, C.G. for offence punishable under Section 20(b)(ii)(c) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 14.01.2021. The circumstances have changed in future of the applicant as the witnesses of search and seizure have been examined in trial, who have turned hostile, therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the quantity of contraband seized from the possession of applicant is more than commercial quantity, therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per prosecution case, 38.100 Kg. Ganja was seized from the possession of this applicant, which was being transported by him in a truck. Hence, this case.
6. Considered on the submissions. Perused the certified copy deposition of search and seizure as this is found that they have not supported the prosecution case, therefore, looking to this development and change in circumstance, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge