

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7127 of 2021**

1. Dharmendra Kumar Bhatu S/o Rohtas Bhatu Aged About 40 Years R/o Village Kharda Colony Bhankrota District Jaipur, (Rajsthan), District : Jaipur, Rajasthan
2. Manoj Kumar Sharma S/o Rajkumar Sharma Aged About 30 Years R/o Village Nagla Seu, Thana, Govardhan, District Mathura, (U. P.), District : Mathura, Uttar Pradesh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

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

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn in M.Cr.C. No.2792 of 2021 dated 30.6.2021 with liberty to file a repeat application after examination of seizure witnesses. The applicants have been arrested in connection with Crime No.510 of 2020, registered at Police Station – Basna, 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 applicants submits that the applicants are in jail since 6.11.2020 and have 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 applicants. Hence, it is prayed that the applicants 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 there are other witnesses yet to be examined in the trial. Although, the witnesses of search and seizure have turned hostile but one witness has supported the prosecution case. Hence, no case is made out for grant of regular bail to the applicants.

4. In reply, it is submitted by counsel for the applicants that the witness who has supported the prosecution case is a police constable.

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

6. According to the prosecution case, 50 kg of ganja (narcotic substance) was seized from the possession of both these applicants, which was being transported in a car. Hence, this case.

7. 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 applicants.

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

9. It is directed that the applicants shall be released on bail on each of them 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 their 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