

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7230 of 2021**

1. Karendra Malik S/o Shri Seba Malik Aged About 26 Years R/o Village Gidigipanga, Tahsil Baliguda, District Kandhmal (Odisa).
2. Vinod Malik S/o Shri Bramhanand Malik Aged About 25 Years R/o Village Sautakiya, Tahsil Baliguda, District Kandhmal (Odisa).
3. Sevak Malik S/o Shri Umesh Malik Aged About 26 Years R/o Village Sautakiya, Tahsil Baliguda, District Kandhmal (Odisa).

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate
 For Respondent/State : Mr. Ravi Bhagat, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/10/2021**

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.230/2020, registered at Police Station – Saraipali, 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 The first bail application M.Cr.C. No. 4143 of 2021 was dismissed as withdrawn with liberty to file repeat application after examination of material witnesses.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The witnesses of search and seizure have been examined and they have not supported the prosecution case, therefore, there is no likelihood of conviction of the applicants in the trial. 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 this applicants are the residents of Odisha and if they are released on bail, they may not be available for trial. Hence, the present 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, 39 KG. Ganja was recovered and seized from the possession of these applicants jointly when the same was being transported in the car.
6. Considered on the submissions and also perused the certified copy of the deposition of the search and seizure witnesses, who 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 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