

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7373 of 2021**

1. Irshad Khan S/o Hanil Khan, Aged About 33 Years
 2. Mustkim Khan, S/o. Kallu Khan, Aged About 19 Years
- Both are R/o Village Patuka, Thana Tawadu, District Nuha (Haryana), Haryana

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Bastar 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.94/2020, registered at Police Station – Nagarnar, District Bastar (C.G.) for the offence punishable under Section 20-(b) (ii) (c) of N.D.P.S. Act. The first bail application M.Cr.C. No. 6810 of 2021 was dismissed as withdrawn with liberty to file fresh bail application.
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 13.06.2020. 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 this applicants are the residents of Harayana 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, 320 KG. Ganja was recovered and seized from the possession of these applicants by the police of police Station Nagarnar, District – Bastar (C.G.)
6. Considered on the submissions and also perused the certified copy of the deposition of the search and seizure witnesses, which is filed along with the bail application and it is found that they have not supported the prosecution case. 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