

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7348 of 2021

1. Ashok Kumar Meena, S/o Ramkaran Meena, Aged About 27 Years, R/o Village Dwarikapur, Thana Pragpura, District : Jaipur, Rajasthan.
2. Ramesh Gurjar, S/o Ramchandra Gurjar, Aged About 26 Years, R/o Village Bhadabhuri (Bhuribhadaj), Thana Pragpura, District : Jaipur, Rajasthan.

---- Applicants

Versus

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

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent/State	:	Mrs. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/10/2021

Heard.

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.5517 of 2021 vide order dated 29.07.2021 was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No. 24/2021 registered at Police Station Singhoda, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs & Psychotropic Substance Act.

3. It is submitted that the applicant is innocent who have been falsely implicated in this case. The applicants are in jail since 06.04.2021. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case, therefore, there is no case against these applicants, therefore, prayer is made to release the applicants on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the other witnesses yet to be examined, who may established the prosecution case and also that the applicants are resident of Rajasthan, if, they are released on regular bail they may not be available for trial, which will hamper the proceeding of trial, hence, they are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, in total 24kg of ganja was seized from the possession of both the applicants. Hence, this case.
7. Considered on the submissions. Perused the certified copy of deposition filed by the applicant which shows that the witness of search and seizure have not supported the prosecution case and declared hostile by the prosecutor. Looking to this development present in this case, I feel inclined to allow this bail application and release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha