

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8165 of 2021**

1. Chandraprakash Kaushik @ Jugnu, S/o. Shri Santosh Kaushik, aged about 33 years, R/o. Village Bahatrai, Police Station Sakari, District Bilaspur Chhattisgarh.
2. Jagatram Dhuri, S/o. Late Bahorik Dhuri, aged about 33 years, R/o. Mangala, Dhuripara, Ward, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through - The Station House Officer, Police Station Dongaripali, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jai Prakash Kaushik, Advocate
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/11/2021**

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.40/2021, registered at Police Station – Dongaripali, District Raigarh (C.G.) for the offence punishable under Section 20-(B) of N.D.P.S. Act. The first bail applications of the applicants M.Cr.C. No. 5001 of 2021 & M.Cr.C. No. 4733 of 2021 respectively were dismissed as withdrawn with liberty to file repeat application after examination of search and seizure witnesses.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 the quantity of the contraband seized from both the applicants is huge and commercial quantity. Further there are other witnesses yet to be examined, therefore, the applications be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 52 KG. Ganja was recovered and seized from the possession of both the applicants jointly.
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 each 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