

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7271 of 2021

- Madan Mohan Sharma, S/o Shri Kunwar Jee Sharma, Aged About 25 Years R/o Iglas, District : Aligarh, Uttar Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Komakhan, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Raghvendra Pradhan, Advocate
For Respondent/State	:	Ms. Akshara Amit, Panel Lawyer.

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

08/10/2021

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 151/2020 registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. The applicant is in jail since 25.07.2020. 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 this applicant, therefore, prayer is made to release the applicant on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that huge quantity of contraband was seized from the possession of this applicant and the other witnesses yet to be examined, who may established the prosecution case, therefore, it is prayed that this applicant may granted regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, in total 100kg of ganja was seized from the possession of this applicant and the same was being transported by him in a vehicle. Hence, this case.
6. 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.
7. 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