

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7539 of 2021**

- Padamcharan Naik S/o Shankar Naik Aged About 20 Years R/o Teen Chowk Panda (Pada), Police Station- Dharamgarh, District- Kalahandi (Odisha)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Devbhog District- Gariyaband Chhattisgarh

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate

For Respondents/State : Shri Raghvendra Verma, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****14/12/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 02.06.2020 in connection with Crime No.54/2020 registered at Police Station Devbhog, District Gariyaband (CG) for the offence punishable under Section 20 (B) of Narcotic Drugs and Psychotropic Substance Act.
3. As per the prosecution case, on 02.06.2020 on a raid being conducted from the possession of the present applicant 20.5 Kg of cannabis was recovered and from the other co-accused 5 KG cannabis was recovered. Thereby the offence

has been committed.

4. Learned counsel for the applicant submits that the seizure witnesses namely Tarkeshwar Sinha (PW-1) and Balbhadra Baghel (PW-2) are examined and they have not supported the case of the prosecution. He would further submit that 32 witnesses remains to be examined and the applicant is in jail since 02.06.2020, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that two seizure witnesses have turned hostile.
6. Considering the fact that the seizure witnesses have turned hostile, without any observation on merits, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu