

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8726 of 2020**

- Chandan Kumar Choudhary, S/o Late Bankim Bihari Choudhary, Aged About 48 Years, Caste Kayastha, R/o Shiv Mandir Ward Madhavghat Jagdalpur, Police Station-Kotwali, District- Jagdalpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Darbha Jagdalpur, District- Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Adv.
For Respondent/State	: Mr. Raveesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.02.2021**

1. The accused/applicant has moved this **third bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 33/2019 registered at Police Station-Darbha, District- Bastar (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses vide order dated 28.01.2020 passed in MCRC No. 8006/2019.
3. The second bail application of the applicant was dismissed as withdrawn with direction to the trial court to conclude the trial as expeditiously as possible preferably within a period of six months vide order dated 21.09.2020 passed in MCRC

No. 5320/2020.

4. The prosecution story, in brief is that, on the basis of secret information, 380 Kg of ganja has been recovered from the possession of other co-accused person. Thereafter, offence has been registered against the present applicant and other co-accused persons.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that ganja has been recovered from the possession of other co-accused person. He next added that material witnesses and memorandum seizure witnesses have also been examined and they have not supported the prosecution case and turned hostile. The applicant is in jail since 21.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. It is submitted that huge quantity of ganja has been recovered and present applicant made basic foundation of offence and the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on bail.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that ganja has been recovered from the possession of other co-accused person and material witnesses and memorandum seizure witnesses have also not supported the prosecution case and turned hostile. The applicant is in jail since 21.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view

that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/-, with one local 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 to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi