

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7771 of 2021**

Shyam Sunder Oram S/o Birsa Oram Aged About 27 Years R/o Village
Birangajhar, Thana Bisra, District Sundargarh Odisha

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Singhoda District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. R.K. Bhagat, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/11/2021**

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 applicant, who have been arrested in connection with Crime No.61/2020, registered at Police Station – Singhoda, District Mahasamund (C.G.) for the offence punishable under Section 20-(B) of N.D.P.S. Act. The first bail application of the applicant M.Cr.C. No. 7302 of 2021 was dismissed as withdrawn with liberty to file repeat application after examination of search and seizure witnesses.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 applicant that the applicant has been falsely implicated in this case. The witnesses of search, seizure and weighment have been examined and they have not supported the prosecution case. Regarding another witness of search and seizure, there is report that he has expired. Therefore, there is no likelihood of conviction of the applicant in the trial. Hence, it is prayed that the applicant 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 applicant is huge and commercial quantity. Further there are other witnesses yet to be examined, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 903 KG. Ganja was being transported in truck in the possession of the applicant and another co-accused person, which was seized.
6. Considered on the submissions and also perused the certified copy of the deposition of the witnesses of search, seizure and weightment and it is found that they 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 applicant 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 applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge