

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7794 of 2021

- Umesh Kumar Choudhary @ Chandulal Choudhary, S/o Late. Nandlal, Aged About 33 Years R/o Village Ameri, Thana Sariya Tahsil Baramkela, District Raigarh Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Sariya, District Raigarh Chhattisgarh

----Non-applicant

For Applicant – Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State – Ms. Akanksha Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-11-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-06-2021 in connection with Crime No.112/2021 registered at P.S. - Sariya, District Raigarh, Chhattisgarh for the offence under Section 20 (B) of Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.4768 of 2021 was dismissed as withdrawn on 08-07-2021. It is submitted that this applicant has been falsely implicated in this case. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case, therefore, there is no chance of conviction of the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that huge quantity of contraband 35 kg. was seized from the possession of this applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, 35 kg. Ganja was seized from the possession of this applicant which was kept in his house. Hence, this case.
6. Considered on the submissions. On perusing certified copy of the depositions of the witnesses of search and seizure it is found that they have not supported the prosecution case, hence, looking to this development, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge