

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7963 of 2021

- Shyam Saha S/o Sitram Saha, Aged About 24 Years, R/o Village Atta, Thana Sector 27 Noida, District Goutam Budhh Nagar (U.P.), District : Gautam Buddha Nagar, Uttar Pradesh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Ravi Bhagat, 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 20-11-2019 in connection with Crime No.129/2019 registered at P.S. - Singhoda, District Mahasamund, Chhattisgarh for the offence under Section 20(b)(ii)(c) of NDPS 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 His first bail application MCRC No.5743 of 2021 was dismissed as withdrawn on 05-08-2021. It is submitted that this applicant has been falsely implicated. He is in jail since 20-11-2019. 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 this 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 Ganja was seized from the possession of this applicant. Therefore, the applicant 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, 65 kg. Ganja was seized from the possession of this applicant when the same was being transported in a car.
6. Considered on the submissions. On perusing certified copy of the depositions of the witnesses of search and seizure it is found that both the witnesses 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