

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7316 of 2021**

Akshay Singh S/o Mahendra Singh Aged About 22 Years R/o Gurukripa Police Station Society Javal Varud, Thana Vardha, Tahsil And District Vardha Maharastra.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, (Jagdalpur) District Bastar Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 7923 of 2021**

Dhananjay Kailaskar S/o Rajesh Kailaskar Aged About 19 Years R/o Pulfail Sudarshan Nagar, Ward No. 27 Thana Vardha, Tahsil And District Vardha (Maharastra).

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, Jagdalpur, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Ravi Bhagat, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.11.2021**

Heard.

1. Both these applications are decided by a common order as they arise from the same crime number. These are the second bail applications of the applicants in both the cases. The first bail applications of the applicants were dismissed as withdrawn. The applicants have been arrested in connection with Crime No.198 of 2019, registered at Police Station Nagarnar, District – Bastar, Chhattisgarh for the offence punishable under

Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that in M.Cr.C. No.7316 of 2021, applicant – Akshay Singh is in jail since 2.7.2021 and in M.Cr.C. No.7923 of 2021, applicant – Dhananjay Kailaskar is in jail since 28.6.2021 and they have 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. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the quantity of contraband seized from the possession of both the applicants was huge and commercial quantity, therefore, no case is made out for grant of regular bail to the applicants.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, 260 kg of ganja was seized from the possession of both the applicants and the same was being transported in a car. Hence, this case.

6. Considered on the submissions. Perused the certified copy of the deposition of the witnesses of search and seizure filed alongwith the application, it is found that these witnesses have been declared hostile as they have not supported the prosecution case. Hence, looking to this

development, I feel inclined to grant regular bail to the applicants in both the cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. of both the applicants are allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge