

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7928 of 2021**

Chandrashekhar Shrivastava S/o Dharmraj Shrivastava, aged about 42 years R/o New Samrat Colony, Ward No. 29, Police Aauktalay Thana Ludhiyana, District Ludhiyana (Punjab)

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Bagbahara, District Mahasamund (C.G.)

---- Respondent

MCRC No. 7947 of 2021

Sandeep Pandey S/o Varinder Pandey, aged about 25 years R/o Village Jugiyana, Thana Ayuktalaya, District Ludhiyana Shahanewal (Punjab)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund (C.G.).

---- Respondent

For Applicant in MCRC No. 7928/2021 :	Mr. Siddharth Rathore, Advocate
For Applicant in MCRC No. 7947/2021 :	Mr. Vikash Pradhan, Advocate
For Respondent :	Ms. Seema Dixit, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

27/10/2021

Heard.

1. Since both the bail applications arise out of same crime number, therefore, they are being disposed of by this common order.

2. Applicant Chandrashekhar Shrivastava in MCRC No. 7928/2021 has preferred this second Bail Application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 134/2020 registered at Police Station Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 20B of the Narcotic Drugs and Psychotropic Substance Act. First bail application of this applicant was dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet vide order dated 06/01/2021 passed in MCRC No. 8773/2020.
3. Applicant Sandeep Pandey in MCRC No. 7947/2021 has preferred this third Bail Application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 134/2020 registered at Police Station Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 20B of the Narcotic Drugs and Psychotropic Substance Act. First bail application of this applicant was dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet vide order dated 06/01/2021 passed in MCRC No. 6005/2020. Thereafter, second bail application of this applicant was dismissed on merits vide order dated 25/06/2021 passed in MCRC No. 2643/2021.
4. Case of the prosecution in brief is that the applicants along with one other person were found in illicit possession of 100 Kg of Ganja, when they were travelling in a Mahindra Pick-up vehicle from Khariyar Road to Bagbahara.
5. Learned counsel for the respective applicants submit that the applicants are innocent and have been falsely implicated in the present case. They further submit that co-accused Pankaj Kumar Chaube has been granted bail vide order dated 21/09/2021 passed in MCRC No. 6733/2021 by the coordinate bench of this Court. They further submit that material witnesses of search and seizure

have been examined and they have not supported the case of the prosecution and have turned hostile. The applicants have no criminal antecedents, they are in jail since 27/07/2020 and trial is likely to take some time, therefore, they pray to release the applicants on bail.

6. On the other hand, learned counsel for the State opposes the bail applications.
7. I have heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, particularly the fact that the applicants are in jail since 27/07/2020, prosecution witnesses namely Neeraj (PW1), Maniram (PW2) and Ramvali Gupta (PW3) have been examined and have not supported the case of the prosecution, and conclusion of trial is likely to take some time, I am of the view that these are fit cases to enlarge the applicants on bail.
9. Accordingly, the bail applications are allowed.
10. It is directed that the applicants of above bail applications shall be released on bail on each of them furnishing personal bond for a sum of Rs. 1,00,000/- with two sureties each of Rs. 50,000/- to the satisfaction of the trial Court on following conditions:-
 - a) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
 - b) they shall not act in any manner which will be prejudicial to fair and expeditious trial;
 - c) they shall appear before the trial Court on each and every date given to them by the said Court till the disposal of the trial;
 - d) they shall furnish a copy of their Aadhar Cards and full size

photographs printing their Aadhar numbers on the same before the trial Court;

- e) the person who shall stand sureties on behalf of the applicants shall submit his Aadhar card along with his photograph; and
- f) they shall not involve themselves in any offence of similar nature in future.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul