

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8426 of 2021

1. Dhanraj Mandavi S/o Late Shri Jagmohan Mandavi, Aged About 21 Years, R/o Ramaram, P. S. and District Sukma Chhattisgarh
2. Tapan Kumar Kar S/o Shri Rampad Kar, Aged About 28 Years, R/o Bagichapara, Police Station and District Sukma Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darbha, District Bastar, Jagdalpur Chhattisgarh

---Non-applicant

For Applicants – Shri Rohan Patnaik, Advocate on behalf of Shri Ishan Verma, Advocate.

For Non-applicant/State – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-12-2021

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 applicants for grant of regular bail. The applicants have been arrested on 04-10-2020 in connection with Crime No.38/2020 registered at P.S. - Darbha, District Bastar, Jagdalpur, Chhattisgarh for the offence under Section 20(B) of the NDPS Act.

2. It is submitted on behalf of the applicants, that this is second bail application filed by the applicants before this Court. Their first bail application MCRC No.3214 of 2021 was dismissed as withdrawn on 06-07-2021. It is submitted that the applicants have been falsely implicated. They are in jail since 04-10-2020. 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 these applicants. Hence, it is prayed that these applicants be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, 33 kg. Ganja was seized from the possession of these applicants which was being transported by them on a motorcycle.

6. Considered on the submissions and perused 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 and they have been declared hostile by the prosecutor, hence, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge