

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8104 of 2021**

- Yudhisthir Mehar S/o Gahadu Mehar, Aged About 47 Years R/o Village Chichaiguda, Thana And Tahsil Junagarh, District : Kalahandi, Orissa

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For Respondent/State	: Shri Sudeep Verma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**01.11.2021**

1. Applicant has preferred this 2nd bail application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.277 of 2020 registered at Police Station- Bagbahara, District- Mahasamund, Chhattisgarh for the offence punishable under Section 20(b) of NDPS Act.
2. Case of the prosecution, in brief, is that on 15.12.2020, on receiving secret information, Police intercepted Motorcycle of applicant and other co accused persons and found 20 kg contraband Ganja in their possession. Based upon which applicant along with other co accused are arrested and aforementioned crime is registered against them.
3. Learned counsel for the applicants would submit that first bail application is dismissed on merits but subsequently, seizure witnesses namely, Damodar and Suraj Tandi have been examined before Trial Court

and they have not supported the prosecution case. Other co-accused Bhuraram and Bhagirath were enlarged on bail vide order dated 07.10.2020. Case of applicant also stands on similar footing. Hence, applicant may also be enlarged on regular bail.

4. Shri Sudeep Verma, learned State counsel opposing the submissions of learned counsel for the applicants, submits that looking to quantity of contraband Ganja seized from joint possession of applicant along with others, he is not entitled for regular bail under Section 439 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of the case, nature of allegations against applicant, period of detention as well as the fact that other co-accused have been enlarged on regular bail in MCRC-6957 of 2021 vide order dated 07.10.2021, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand) with two local sureties in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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