

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8852 of 2020**

Prakashchand Chaudhary, S/o. Girdhari Ram, aged about 26 years, R/o. Village – Bangarh, P.S. Navacity, Tehsil and District Nagaur, Rajasthan.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Bagbahara, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. R.K. Rathi, Advocate
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/07/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.107/2020, registered at Police Station – Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The witnesses of search and seizure have been examined in the trial and they have turned hostile, therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that huge quantity of contraband has been seized from the possession of this applicant and he is resident of Rajasthan, therefore, in case he is granted bail, he may not be available for trial. Therefore, the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, a tractor and trolley were stopped by the police personnel of Police Station - Bagbahara, District – Mahasamund, which was occupied by this applicant and one another and on search made, 190 Kg. Ganja was recovered from the possession of this applicant and one another co-accused.
6. Considered on the submissions and also perused the certified copy of the deposition of the seizure witnesses, who have not supported the prosecution case in any manner, hence, looking to this development in the trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge