

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8837 of 2021**

1. Anjali Thakur D/o Shri Ram Milan Thakur Aged About 19 Years R/o Ward No. 07, Mumiyam Mohalla, Near Lala Atta Chakki Ranjhi, P.S. Ranjhi, District Jabalpur (M.P.)
2. Ram Kumari Thakur D/o Shri Mukesh Thakur, Aged About 20 Years R/o Ward No. 07, Mumiyam Mohalla, Near Lala Atta Chakki Ranjhi, P.S. Ranjhi, District Jabalpur (M.P.)

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, P.S. Nagarnar, District Bastar Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vinod Kumar Tekam and Shri Ashok Kumar Komra, Advocates.
For the Respondent/State	:	Shri Avinash Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.12.2021**

Heard.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants. The first bail application of the applicants was dismissed as withdrawn on 9.7.2021 in M.Cr.C. No. 3944 of 2021 with liberty to file a repeat application after examination of the witnesses of search and seizure. The applicants have been arrested in connection with Crime No.55 of 2021, 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 the applicants are in jail since 26.3.2021 and 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 application and the submissions made in this respect. It is submitted that there are other witnesses yet to be examined in the trial, therefore, the guilt of the applicants may be established in future. Hence, no case is made out for grant of bail to the applicants.

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

5. According to the prosecution case, 21 kg of ganja (narcotic substance) was seized from the possession of these applicants. Hence, this case.

6. Considered the submissions and the facts present in this case. 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.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is 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