

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9417 of 2020**

1. Santosh Dora And Another S/o Shri Nakul Dora Aged About 24 Years R/o Village Barnipur, Police Station Jaipur Sadar, Tahsil And District- Koraput (Odisha)
2. Jai Singh S/o Shri Jagbandhu Bagh Aged About 25 Years R/o Village Cristanpeta Ward No. 5, Bijuraja Nagar, Jaipur, Police Station Jaipur Sadar, Tahsil And District- Koraput (Odisha)

---- Applicants**Versus**

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

---- Respondent

For Applicants	:	Shri Shikhar Sharma, Advocate.
For Respondent-State	:	Shri Sameer Oraon, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

17.06.2021

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicants have been arrested on 31.07.2020 in connection with Crime No. 140/2020 registered at Police Station Bagbahara, District Mahasamund, C.G. for offence punishable under Sections 20(B) of Narcotic Drugs & Psychotropic Substance Act.
2. It is submitted by the learned counsel for the Applicants that the Applicants have been falsely implicated in this case. The Applicants are in jail since 31.07.2020. Trial has made some progress in which the material witnesses i.e., the witnesses of search and seizure have been examined, who have not supported the prosecution case in any manner. Hence, there is nothing left against these Applicants in this case. It is prayed that the bail may be granted to the Applicants.

3. The learned counsel for the State opposes the application and submits that it is a case of huge quantity of contraband *i.e.* 300 KG Ganja which was being transported by the Applicants. The investigation Officers and other witnesses are yet to be examined, therefore, bail application be rejected.
4. I have heard the learned counsel for the parties.
5. According to the prosecution case, the seizure of 300 KG Ganja was made from the possession of the Applicants when the same was being transported in the Truck, hence this case.
6. Considered on the submissions and also perused the copy of the deposition of the witnesses namely Manish Pande and Rajesh Tandi, who have not supported the prosecution case in any manner, therefore, the prosecutor have declared them hostile witnesses. Looking to this development and also looking to the length of detention of the Applicants have undergone in jail for the reasons that the trial of the Applicants in jail, I am inclined to allow this bail application.
7. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
8. It is directed that the 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 Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge