

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9025 of 2021**

Omprakash Sahu, S/o. Late Gaindlal Sahu, aged about 40 years, R/o. Ward No. 15, Nearby Purana Hanuman Mandir, Village Dhour, Police Station Jamul, District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Jamul, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent/State : Mr. Soumya Rai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/12/2021**

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 applicant, who has been arrested in connection with Crime No.601/2020, registered at Police Station – Jamul, District Durg (C.G.) for the offence punishable under Section 20-(B), 27 (A) of N.D.P.S. Act. The first bail application of the applicant M.Cr.C. No. 5292 of 2021 was dismissed as withdrawn vide order dated 08.09.2021 with liberty to file repeat application after examination of search and seizure witnesses.
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 and they have not supported the prosecution case, therefore, there is no likelihood of conviction of the applicant in the trial. Hence, it is prayed that the applicant may be released 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 the quantity of the contraband seized from the applicant is huge and commercial quantity. Further there are other witnesses yet to be examined, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, 38 KG. Ganja was recovered and seized from the possession of the applicant when the same is being transported in the car.
6. Considered on the submissions and also perused the copy of the deposition of the search and seizure witnesses, who have not supported the prosecution case, for which they have been declared hostile by the prosecutor. 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