

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8902 of 2021**

Sachin Mehara S/o Late Narayan Singh Aged About 20 Years R/o Jaitpur
District Raisen M. P.

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Tongpal District Sukma Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate
For Respondent/State	: Mr. R.K. Bhagat, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/11/2021**

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.29/2019, registered at Police Station – Tongpal, District Sukma (C.G.) for the offence punishable under Section 20-(B) of N.D.P.S. Act. The first bail application of the applicant M.Cr.C. No. 7879 of 2021 was dismissed as withdrawn vide order dated 06.10.2021 with liberty to file repeat application after examination of search and seizure witnesses.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. One co-accused Golu has been granted bail by this Court in M.Cr.C. No.4823 of 2021 by order dated 25.08.2021 on the ground of hostility of the witnesses. 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 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, 102 Kg Ganja was seized from the possession of the applicant and one co-accused, which was being transported in a car. Hence, this case.
6. Considered on the submissions. The co-accused has been granted bail on the ground that the witnesses of search and seizure have turned hostile and this applicant is also similarly placed, hence for this reason, 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