

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8910 of 2021

- Manoj Isai S/o Shri M S George, Aged About 52 Years, R/o Village Jidar, Police Station Piperchhedi, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chhura, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.

For Non-applicant/State – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-12-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-04-2021 in connection with Crime No.46 of 2021 registered at P.S. - Chhura, District Gariyaband, Chhattisgarh for the offence under Section 20 (b), 20 (ii) (c), of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.3746 of 2021 was dismissed as withdrawn on 28-06-2021. It is submitted that this applicant is innocent and he has been falsely implicated. He is in jail since 02-04-2021. The witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, 34.5 kg. Ganja was seized from the

possession of this applicant which was being transported by him along with other co-accused person on a motorcycle.

6. Considered on the submissions. Perused certified copy of the deposition of the witnesses of search and seizure and it is found that they have not supported the prosecution case. Hence, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge