

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8906 of 2021**

Harish Sahu, S/o. Santram Sahu, aged about 37 years, resident of Village Mopka, Thana- Sarkanda, District- Bilaspur (Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station- Takhatpur, District- Bilaspur (Chhattisgarh)

---- Respondent

For Applicant : Mr. Vikas Pradhan, Advocate

For Respondent/State : Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/11/2021**

1. This is the fourth 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.231/2021, registered at Police Station – Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 20-(b) ii (c) of N.D.P.S. Act. The first bail application of the applicant M.Cr.C. No. 5086 of 2021 was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 16.07.2021. By the second bail application M.Cr.C.7497 of 2021, vide order dated 05.10.2021 temporary bail was granted for a period of one month. By third bail application of the applicant bearing M.Cr.C. No.8552 of 2021, the temporary bail granted to the applicant was further extended for 20 days vide order dated 29.10.2021.
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 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, 852 KG. Ganja was recovered and seized from the possession of the applicant.
6. Considered on the submissions and also perused the certified 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