

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9081 of 2021**

Sangeet Jaiswal @ Golu S/o Santosh Kumar Jaiswal, Aged About 26 Years
R/o Village Pratappur, Police Station Pratappur, Tahsil Pratappur, District
Surajpur (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Pratappur, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri H.A.P.S. Bhatia, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.12.2021**

Heard.

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. The first bail application of the applicant was dismissed on merits on 29.10.2021 in M.Cr.C. No. 5347 of 2021. The applicant who has been arrested in connection with Crime No.111 of 2021, registered at Police Station – Pratappur, District – Surajpur, Chhattisgarh for the offence punishable under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 14.6.2021 and has been falsely implicated in this case. It is further submitted that the circumstances have now changed in favour of the

applicant. The witnesses have been examined in the trial and they have not supported the prosecution case, therefore, there is no likelihood of conviction of the applicant. Hence, it is prayed that the applicant be enlarged 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 in the trial, therefore, the guilt of the applicant may be established in future. Hence, no case is made out for grant of bail to the applicant.

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

5. Considered on the submissions. The earlier application was rejected on merits. Further, in the later on development, the witnesses of search and seizure have been examined in the trial and they have not supported the prosecution case, which is reflected from the certified copy of the deposition filed alongwith the application, therefore, I feel inclined to grant regular bail to the applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi