

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9539 of 2021**

Jitendra Singh Patel S/o Motilal Patel, Aged About 27 Years R/o Labeled,
Thana Mau, District Chitrakut (U.P.).

---- Applicant**Versus**

State Of Chhattisgarh Through, Police Station - Gaurela, District Gaurela
Pendra Marwahi Chhattisgarh (District name wrongly mentioned in
impugned order).

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Soumya Rai, 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 The first bail application of the applicant was dismissed as withdrawn on 24.6.2021 in M.Cr.C. No. 3517 of 2021. The applicant who has been arrested in connection with Crime No.175 of 2020, registered at Police Station – Gaurela, District – Gaurela Pendra Marwahi, Chhattisgarh for the offence punishable under Section 20(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.9.2020 and has been falsely implicated in this case. The witnesses of search and seizure have been examined before the trial Court who turned hostile and not supported the prosecution case, therefore, nothing is left in

the prosecution against 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. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, 40 kg of ganja was seized from the possession of this applicant when the same was being transported by him in a jeep. Hence, this case.

6. Considered on the submissions. On perusal of the certified copy of the deposition of the witnesses, it is found that they have not supported the case of the prosecution because of which, they have been declared hostile by the prosecution, hence, looking to this development, I feel inclined to grant bail to the applicant in this case.

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. 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