

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4903 of 2018

Virendra Patel @ Bhim S/o Shri Gulab Patel, aged about 30 years, By Caste-Kurmi, R/o Gaddha Dafaie, Ward No.3, Tahsil & Police Station – Poudi, District-Korea (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station- Poudi, District- Korea (C.G.)

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12/07/2018

1. The applicant has preferred this third bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 10/2017 registered at Police Station- Poudi, District- Korea (C.G.) for the offence punishable under Section 22(b) of the NDPS Act.
2. First bail application of the applicant was rejected on 18/08/2017 in MCRC No. 4754/2017 on merit. Second bail application was dismissed as withdrawn on 10/04/2018 in MCRC No. 974/2018.
3. As per prosecution story on 18/01/2017 on the basis of information received from the informant, search of the applicant was conducted by the police and from his possession 7.390 gram of brown sugar was

seized. Offence was registered and the applicant was arrested on 18/01/2017.

4. Learned counsel appearing on behalf of the applicant submits that though the first bail application of the applicant was rejected on merit, but since then he is still in custody and material witnesses have been examined and they have not supported the case of the prosecution. He further submits that the quantity of the seized brown sugar does not come under the purview of commercial quantity. He further submits that the applicant is in custody since 18/01/2017 i.e. about more than 1 year and the trial will likely to take some time, therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering that though the first bail application of the applicant was rejected on merit, but since then he is still in custody and material witnesses have been examined and they have not supported the case of the prosecution. Further considering that the applicant is in custody since 18/01/2017 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a

personal bond for a sum of Rs. 100,000/- with one surety for the like sum to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel

Rahul