

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5285 of 2018**

1. Narad Sahu S/o Mannu Lal Sahu Aged About 36 Years R/o Village Hathbandh, Police Station Simga, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Kaushilya Bai W/o Irrayal Masih, Aged About 50 Years R/o Village Hathbandh, Police Station Simga, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Patewa, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Nalin Soni , Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2018**

Heard.

1. The aforesaid application is repeat bail application. Earlier bail application was dismissed as withdrawn by this Court vide order dated 16-03-2018.
2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.171/2017 registered at Police Station Patewa, District Mahasamund for the offence punishable under Section 20(B) of the NDPS Act.
3. Case of the prosecution is that from the possession of the applicants, 12 KG of ganja was recovered.
4. Learned counsel appearing for the applicants submitted that this repeat bail application has been filed by the applicants mainly on the ground that both the independent witnesses of seizure of ganja have been examined and they have not supported the case of the prosecution and turned hostile. It is lastly

submitted that the applicants are in jail since 30-10-2017, therefore, at this stage, the applicants may be granted bail.

5. Learned counsel for the State/non-applicant opposes the application by submitting that looking to the quantity of ganja alleged to be recovered from the possession of the applicants and the fact that the Investigating Officer of this case is yet to be examined, the applicants are not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the applicants are in jail since 30-10-2017 and further taking into consideration the submission that both the independent witnesses of seizure of ganja have been examined and they have not supported the case of the prosecution and turned hostile, I am inclined to grant bail to the applicants.

7. Accordingly, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E