

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5883 of 2018

- Sandeep Patil S/o Late Sidram Patil Aged About 35 Years R/o- Ekta Nagar, Ward No. 14, Vidisha Road, Sukhi Sevaniya, Post Office And Police Station- Sukhi Sevaniya, Bhopal, District- Bhopal (M.P.)

---- Applicant

Versus

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

---- Respondent

AND

MCRC No. 5598 of 2018

- Shivraj Singh Rathor S/o Ram Singh Rathor Aged About 30 Years R/o- Ekta Nagar, Ward No. 14 Vidisha Road, Thana Sukhi Sevania, District- Bhopal (Madhya Pradesh)

---- Applicant

Versus

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

---- Respondent

For Applicant (in MCRC 5883/2018) : Mr. Shivendu Pandya, Advocate

For Applicant (in MCRC 5598/2018): Mr. Vikash Pradhan, Advocate

For Respondent : Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

29/08/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.

2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 67/2017 registered at Police Station- Mahasamund, Distt. Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
3. As per prosecution story, on 03-02-2017 on the basis of information received from the informant, both the applicants were searched by the Police authority and 9.314 Kgs. of illicit ganja has been seized from the possession of Sandeep Patil applicant in MCRC No. 5883 and 8.280 kgs. of illicit Ganja has been seized from the possession of Shivraj Singh Rathor applicant in MCRC No. 5598/2018. On the basis of above, offence has been registered and applicants were arrested on 03.02.2017.
4. Counsel for the applicants submit that both the applicants are innocent and have been falsely implicated in the present case, mandatory provisions of NDPS Act have not been complied with by the prosecution. He further submits that charge-sheet has already been filed, applicants are in custody since 03/02/2017 and trial will likely to take some time to conclude, therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that the applicants are in custody since

03/02/2017, charge-sheet has already been filed and trial will likely to take some time to conclude, without further commenting on merit of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 1,00,000/- with two local sureties each of Rs. 50,000/- to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge