

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5766 of 2018

1. Pradeep Kumar Rathore, S/o Ramniwas Rathore, Aged About 26 Years, R/o- Khada, Police Station And District Anuppur, Madhya Pradesh
2. Mukesh Verma, S/o Badrika Prasad Verma, Aged About 23 Years, R/o- Ward No. 08, Parshuram Ward, Police Station Bhatapara, District- Baloda Bazar- Bhatapara, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh, Through- Station House Officer, Police of Police Station Manendragarh, District- Korea, Chhattisgarh

---- Respondent

AND

MCRC No. 6328 of 2018

1. Digambar Rathore, S/o Preetam Lal Rathore, Aged About 32 Years, R/o- Amlai, District : Shahdol, Madhya Pradesh
2. Prakash Nai, S/o Ramdin, Aged About 19 Years, R/o- Amlai, District : Shahdol, Madhya Pradesh

---- Applicants

Versus

State of Chhattisgarh, Through- Station House Officer, Police of Police Station Manendragarh, District- Korea, Chhattisgarh

---- Respondent

For Applicant (in MCRC 5766/2018) : Mr. Anil Gulati, Advocate

For Applicant (in MCRC 6328/2018) : Mr. Anil Gulati, Advocate

For Respondent : Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

06/09/2018

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. 40/2018 registered at Police Station- Manendragarh, Distt. Korea (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
3. As per prosecution story, on 29-01-2018 on the basis of information received from the informant, a Tata Zest car bearing registration No. MP-65-C-1978 has been searched by the Police Officials and on being searched total 51.200 Kilograms of illicit ganja was found inside the dicky of the said car. All the applicants in both the cases were found in the said vehicle and from their joint possession said ganja has been seized. On the basis of above, offence has been registered and applicants were arrested on 29.01.2018.
4. Counsel for the applicants submit that all 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. Both the seizure witnesses have been examined before the Trial Court but not supported the case of the prosecution. He further submits that charge-sheet has already been filed, applicants are in custody since 29.01.2018 and trial will likely to take some time, 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 29.01.2018, charge-sheet has already been filed and trial will likely to take some more time, 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