

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6217 of 2018

1. Ravi Jaiswal S/o Puroshottam Jaiswal Aged About 25 Years R/o Sabhaganj, Behind Hanuman Temple, Police Station Amdara, Tahsil Maihar, District Satna, Madhya Pradesh., District : Satna, Madhya Pradesh
2. Mukesh Kushwaha S/o Ramdash Kushwaha Aged About 21 Years R/o Pannamod, Nandanvan Colony, Police Station Katula, District Katni, Madhya Pradesh., District : Katni, Madhya Pradesh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Nagarnar, Jagdalpur, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicants	:	Shri Ravi Kumar Bhagat, Advocate
For State	:	Shri Ramakant Mishra, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2018

Heard.

1. The applicants have been arrested in connection with Crime No. 190/2017 registered in Police Station -Nagarnar, Jagdalpur, District -Bastar, for alleged commission of offence under Section 20 (B) of the NDPS Act.
2. This is the second bail application on behalf of the applicants. Their earlier bail application was dismissed as withdrawn on 27.4.2018 with liberty to revive.
3. This application has been repeated by the applicants mainly on the contention that independent witnesses of alleged seizure of contraband have not supported the case of the prosecution and turned hostile.

4. Learned State counsel opposed the prayer and submitted that the applicants are involved in commission of offence of transporting 14 kg of contraband without the authority of law.
5. Taking into consideration the submissions made, particularly taking into consideration that the applicants are in jail since 16.8.2017, trial has not been concluded till date, taking into consideration the submission that the two independent witnesses of alleged seizure of contraband namely Juber Ahmed (PW1) and Wahid Ahmed (PW2) have not supported the case of the prosecution, turned hostile and further taking into consideration that the applicants are not likely to abscond or otherwise tamper with the prosecution witnesses who are yet to be examined, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge