

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8483 of 2018**

Gulshan Kumar S/o Tekram Sahu Aged About 21 Years R/o
 Village- Arjunda, Near Bus Stand, Police Station- Arjunda,
 Civil & Revenue District- Balod, Chhattisgarh
--- Petitioner

Versus

State of Chhattisgarh through the In-charge, Police Station-
 Tikrapara, District Raipur, Chhattisgarh.
--- Respondent

For the applicant	:	Mr. Rakesh Thakur, Advocate.
For the Respondent	:	Mr. Samir Behar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****22.11.2018**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 520/2017 registered at Police Station Tikrapara, Distt. Raipur (C.G) for the offences punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. The first bail application was dismissed on 20.04.2018
3. As per the prosecution case, on 07.10.2017 while the vehicles were being checked by the Police at a particular place, a Bus bearing No.C.G.07-N/6010 coming from Jagdalpur reached there and on a search being made, 10 Kgs., of Ganja was recovered from the dickey of the said Bus which belongs to the applicant who was working as Conductor, thereby the offence has been committed.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated and the bag was not seized from

the exclusive possession of the applicant and it was seized from the dickey of the bus. He submits that the earlier bail application was dismissed looking to the statements of Mohmmad Hussain and Mannu Yadav and by now both these witnesses have been examined before the trial Court and they have not supported the case of prosecution, therefore, the applicant who is in jail since 17.10.2017 may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail application.
6. Perused the statements of Mohmmad Hussain and Mannu Yadav. Considering the same, without any further observation on merits of the case and further looking to the period of custody of the applicant as he is stated to be in jail since 17.10.2017, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**