

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 164 of 2019**

- Rahul Pandey, S/o Rajeshwar Pandey, aged about 27 years.
- Ravi Pandey, S/o Rajeshwar Pandey, aged about 27 years.

Both are resident of DS-82, Kanpur Road, Sector-D, LDA Colony
Krishna Nagar, District - Lucknow (U.P.)

---- Applicants**Versus**

- State of Chhattisgarh Through : The Station House Officer,
Police Station - Devendra Nagar, Civil & Revenue District
Raipur (C.G.).

---- Respondent

For Applicants	:	Shri Kamal Kishore Patel, Advocate.
For Respondent	:	Shri Suryakant Mishra, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/01/2019**

1. The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 02.08.2018 in connection with Crime No.166/2018 registered at Police Station : Devendra Nagar, Raipur (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution case, in brief, is that on 02.08.2018 the Assistant Sub Inspector of police station Devendra Nagar received a secret information that Near Pandri Bus Stand three persons were in possession of contraband article cannabis for selling. Thereafter, the police reached the spot and seized 14 kg cannabis from appellant Akash (A-1) and 8 kg from Ravi Pandey (A-2). Based on this, FIR was registered

against the applicants under Section 20(B) of NDPS Act and he has been arrested.

3. Earlier, bail application of the applicants was withdrawn with liberty to file the same after examination of seizure witnesses.
4. Learned counsel for the applicants submits that the applicants are engineers and while they were getting down from bus, the persons who were actually in possession of contraband article, fled away from the spot and the present applicants has been arrested by the police. It has been further submitted that seizure witnesses Raja Mahanand (PW/1) and Gurdip Singh Hura (PW/2) both have not supported the seizure and turned hostile. Lastly, it has been submitted that in the present case, the informant and Investigating Officer is the same person and in view of judicial pronouncement in the case of **Mohan Lal v. The State of Punjab**¹ the appellants are entitled for bail.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Having heard learned counsel for the parties and having regard to the fact that both the seizure witnesses turned hostile and in view of decision of the Supreme Court in the matter of **Mohan Lal (Supra)**, this Court is of the opinion that it is a fit case to release the applicants on bail.
8. Accordingly, the application is allowed and the applicants are

¹ AIR2018 SC 3853

directed to be released on bail on their furnishing a personal bond of Rs.50,000/- each with one surety for the like sum to the satisfaction of the concerned Court for their appearance before it as and when directed.

Sd/-

(Rajani Dubey)
Judge

Vijay