

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 362 of 2019

- Monu Choudhary S/o Shri Omveer Aged About 30 Years R/o Mathura Road Jat Nagar, Police Station Sadabad, District Hatharas, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Borai District Dhamtari, Chhattisgarh.

---- Respondent

AND

MCRC No. 939 of 2019

- Rizwan Khan S/o Munna Khan Aged About 26 Years R/o Islam Nagar, Sadabad, Tahsil Sadabad, District - Hathras Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Borai, District – Dhamtari, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 362/2019)	: Shri Dheerendra Pandey, Advocate.
For Applicants (In MCRC No. 939/2019)	: Shri Anil Gulati, Advocate.
For Respondent/State	: Shri Sumit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/02/2019

1. Heard.
2. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in

connection with crime No. 13/2018, registered at Police Station – Borai, District - Dhamtari, (C.G.) for the offence punishable under Section 20(B)(ii)(c) of NDPS Act and Section 420 of IPC.

4. As per the prosecution story, on 25.07.2018, on the basis of information received from an informant, during checking, vehicle bearing registration No. CG-04-JD-9090 was seen which was going towards Dhamtari, (C.G.). When the driver of the vehicle saw the police personnel checking the vehicle, he stopped the vehicle, turned the vehicle and rash towards the State of Orissa. Police personnel chased the vehicle but the driver of the said vehicle left the vehicle and absconded from the place of incident, thereafter the police seen the number of vehicle was actually UP-86-P-3662. On being searched, 110 kg of contraband ganja was found in the vehicle. Allegedly, both the Applicants are involved in the said crime. They were arrested on 05.10.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that there is nothing on record on the basis of which any offence can be made out against the Applicants. They also states that *prima facie*, no relation can be established that the contraband ganja is found in the said vehicle. Applicants are in custody since 05.10.2018 and trial is likely to take some time. Therefore, they may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants are in custody since 05.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am

inclined to release them on bail.

9. Accordingly, the bail applications are allowed.

10. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 1,00,000/- with two local sureties each of Rs. 50,000/- to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge