

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 356 of 2019

- V. Prem Singh S/o Late Babu Jadhav Aged About 34 Years R/o Irakpalli Post And Police Station Nagalgiddha, Tahsil Nagalgiddha, District Sangareddi Telangana

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Doranpal, District Sukma Chhattisgarh

---- Respondent

AND

MCRC No. 668 of 2019

- Banoth Prakash S/o Baddu Nayak Aged About 29 Years R/o Wasar, Post Kangati, P. S. Sirgapur, District Sangareddi Telangana

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Doranpal, District Sukma Chhattisgarh

---- Respondent

For Applicant (In MCRC No. 356/2019) : Mr. Rajesh Jain, Advocate.
For Applicant (In MCRC No. 668/2019) : Mr. Rajesh Jain, Advocate.
For Respondent/State : Mr. Alok Nigam, GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/02/2019

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 first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in

connection with crime No. 02/2018, registered at Police Station – Doranpal, District- Sukma (C.G.) for the offence punishable under Section 20 B (2) (C) of the NDPS Act in MCRC No. 356/2019 and offence punishable under Section 20 B of the NDPS Act in MCRC No. 668/2019.

3. As per the prosecution story, on 19.01.2018, on the basis of information received from an informant, investigating officer of the case searched the vehicles bearing Registration NO. AP 16 BD 7280 & JK 1 CS 9402 and seized 41.657 Kgs. of contraband Ganja from the possession of Applicant V.Prem Kumar (MCRC No. 356/2019) and seized 45.620 Kgs. of contraband Ganja from the possession of Applicant Banoth Prakash (MCRC No. 668/2019) and other co-accused namely E. Sudhakar. The applicants are in custody since 19.01.2018.
4. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied with. He further submits that seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicants are in custody since 19.01.2018, charge-sheet has already been filed and trial will 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 the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and

turned hostile. The applicants are in custody since 19.01.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits 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. 4,00,000/- with two local solvent sureties each of Rs. 2,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge