

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 582 of 2019**

- Amit Prakash Kushwaha S/o Shri Ram Kumar Kushwaha Aged About 28 Years R/o Amiliya, Police Station Kothi, District Satna, Madhya Pradesh, Civil and Revenue District Satna, Madhya Pradesh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Ganj, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Ajay Mishra, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/03/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 385/2018, registered at Police Station – Ganj, District – Raipur, Chhattisgarh, for the offence punishable under Sections 20(B) of NDPS Act.
2. As per the prosecution story, on 02.12.2018, on the basis of information received from an informant, police personnel searched the Applicant and total 9.900 kg of contraband 'ganja' has been seized from his possession. On the basis of the said, offence has been registered and the Applicant has been taken into custody on 02.12.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that mandatory provisions of the Act has not been complied with. He also submits that the Applicant has no criminal

antecedents, he is in custody since 02.12.2018 and trial is likely to take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 02.12.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- with two local solvent sureties each of Rs. 50,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge