

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 765 of 2019

- Chaitu Sande S/o Ramchand Sande Aged About 45 Years R/o Village Dhodkachhar, Thana Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankara, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Mr. VK Agrawal, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/03/2019

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. 76/2018, registered at Police Station Sankara, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
2. As per prosecution story, on 16.07.2018, on the basis of information received from an informant, investigating officer of the case searched house of the applicant and seized total 14 Kgs. of contraband *ganja* from his possession and he has been arrested on 16.07.2018 itself.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied with. He further submits 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 applicant has no

criminal antecedent, he is in custody since 16-07-2018 and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the seizure witnesses have turned hostile, the applicant has no criminal antecedent, he is in custody since 16-07-2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge