

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 1207 of 2019**

- Gyanendra Singh S/o Uma Shankar Singh Aged About 29 Years  
R/o House No. 1868 E.W.S. Housing Board Colony Bhilai Police  
Station Jaamul District Durg Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer Police  
Station Jaamul District Durg Chhattisgarh.

**---- Respondent**

**AND**

**MCRC No. 811 of 2019**

- Anil Singh S/o Maheshwari Prasad Singh Aged About 34 Years  
R/o House No. 2706, E. W. S. Housing Board, Colony, Bhilai,  
Police Station Jaamul, District Durg Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police  
Station Jaamul, District Durg Chhattisgarh

**---- Respondent**

---

|                                        |                                      |
|----------------------------------------|--------------------------------------|
| For Applicant(In MCRC No. 1207/2019)   | : Mr. Goutam Khetrapal,<br>Advocate. |
| For Applicants (In MCRC No. 811/2019): | Mr. Goutam Khetrapal,<br>Advocate.   |
| For Respondent/State                   | : Mrs. Smriti Shrivastava, PL.       |

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**15/02/2019**

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 second bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with Crime no. 279/2018, registered at Police Station Jaamul, District Durg (C.G.) for the offence punishable under Sections 20 (B) of the NDPS Act.
3. First bail with regard to Applicant Gyanendra Singh was dismissed as withdrawn with liberty to file a fresh after examination of the seizure witnesses of the case vide order dated 19.11.2018 passed in MCRC No. 7288/2018.
4. First bail with regard to Applicant Anil Singh was dismissed as withdrawn with liberty to file a fresh after examination of the seizure witnesses of the case vide order dated 19.11.2018 passed in MCRC No. 6665/2018.
5. As per prosecution story, on 24.06.2018 on the basis of information received from an informant, one vehicle bearing registration No. CG 04 DJ 8100 has been stopped by the police party, the applicants were seated on the said vehicle. On being searched, total 120 Kgs. of contraband Ganja has been seized from their joint possession and they have been arrested on 24.06.2018 itself.
6. 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 one seizure

witnesses of the case has already been examined before the Trial Court and he has not supported the case of the prosecution and turned hostile and the another one has given up by the prosecution. The applicants are in custody since 24.06.2018 and trial will take some time, therefore, they may be released on bail.

7. Per contra, learned counsel appearing on behalf of the State opposes the bail applications and submits that the quantity of contraband Ganja is in commercial quantity, therefore, the applicants may not be released on bail.
8. I have heard learned Counsel for both the parties.
9. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that one seizure witnesses of the case has already been examined before the Trial Court and he has not supported the case of the prosecution and turned hostile and the another one has given up by the prosecution. The applicants are in custody since 24.06.2018 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.
10. Accordingly, the bail applications are allowed.
11. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

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

**Judge**