

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 651 of 2019

Apsana Begam @ Afsana Begam W/o Mohmad Aalim, Caste Muslim, aged about 34 years R/o Village Sonapali, Thana Dhanupali, District Sambalpur (Odisha)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund (C.G.)

---- Respondent

AND

MCRC No. 771 of 2019

Md. Aslam S/o Rahla Cast Muslim, aged about 60 years R/o Village Sonapali, Thana Dhanupali, District Sambalpur (Odisha)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund (C.G.)

---- Respondent

AND

MCRC No. 894 of 2019

Md. Alim S/o Abdul Rahim, aged about 36 years, R/o Vilage Sonapli, Thana Dhanupali, District Sambalpur (Odisha)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund (C.G.)

---- Respondent

For Applicants	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Ms. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/02/2019

1. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. Applicants in MCRC No. 651/2019 and 771/2019 have preferred these second bail applications under Section 439 of the Cr.P.C in connection with Crime No. 109/2018 registered at police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act. First bail applications of the said Applicants have been dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses.
3. Applicant in MCRC No. 894/2019 has preferred first bail application under Section 439 of the Cr.P.C in connection with Crime No. 109/2018 registered at police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 20 (b) (ii) (c) of the NDPS Act.
4. As per prosecution story, on 06/04/2018 on the basis of information received from the informant, the police party stopped a bus bearing registration No. CG04 P 9909. It is alleged that the Applicants were traveling in the said bus. On being searched, total 31 kg of contraband (Ganja) was seized from the joint possession of the Applicants. The Applicants have been arrested.
5. Counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further

submits that mandatory provisions of NDPS Act have not been complied with. Both the seizure witnesses have examined and they have not supported the case of the prosecution. He further submits that Applicants in MCRC Nos. 651 & 771 of 2019 have been arrested on 06/04/2018 and Applicant in MCRC No. 894/2019 has been arrested on 17/01/2019.

6. Per contra, learned State Counsel opposed the bail applications and submits that the quantity of the contraband is commercial quantity, therefore, the Applicants are not entitled to get bail.
7. I have heard counsel for the parties.
8. Considering the facts and circumstances of the case, particularly the fact that both the seizure witnesses have not supported the case of the prosecution, Applicants in MCRC Nos. 651 & 771 of 2019 are in custody since 06/04/2018 and Applicant in MCRC No. 894/2019 is in custody since 17/01/2019, and trial will likely to take time, without further commenting on merit of the case, I am inclined to release the Applicants 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 a personal bond for a sum of Rs.25000/- with one local solvent surety in 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