

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 824 of 2019**

Sunil Patel S/o Shri Mahaveer Patel, aged about 25 years R/o 147, Near Bhagirathpura Shiv Temple Hall, Indore, District Indore (M.P.)

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Keshkaal, District Kondagaon (C.G.)

---- Respondent

For Applicant	:	Mr. Ishan Verma, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/02/2019

1. The Applicant has preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 34/2018 registered at Police Station Keshkall, Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail application of the Applicant was withdrawn with liberty to file afresh after two months vide order dated 26/11/2018 passed in MCRC No. 6246/2018.
3. As per prosecution story, on 27/02/2018 a secret information was received from the informant that one Swift Desire bearing registration No. MP09 CQ 3584 was traveling from Jagdalpur to Raipur, containing illegal Ganja for selling. The police party searched the car and seized total 59.010 Kg contraband (Ganja) from joint possession of the

Applicant and co-accused Rohit. Both have been arrested on 27/02/2018.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that mandatory provisions of the NDPS Act have not been complied with. Seizure witness have already been examined and they have not supported the case of the prosecution. The Applicant has no known criminal antecedent. He is in custody since 27/02/2018, charge-sheet has been filed and the trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 27/02/2018, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge