

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1341 of 2019**

- Nitesh Kumar Mahar S/o Angat Prasad Aged About 22 Years R/o Burhanpur, Banjari Circle Police Station Kotma, District Anuppur, Madhya Pradesh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Amit Kumar, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**18/03/2019**

1. The Applicant has preferred the fourth bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 257/2017, registered at Police Station – Ratanpur, District – Bilaspur, Chhattisgarh, for the offence punishable under Sections 20 B (ii-c) of NDPS Act.
2. First bail application was dismissed as withdrawn with liberty to file afresh application after three months vide order dated 10.04.2018 passed in MCRC No. 972/2018, second bail application was dismissed for want of prosecution vide order dated 10.09.2018 passed in MCRC No. 6633/2018 and third bail application was also dismissed for want of prosecution vide order dated 07.01.2019 passed in MCRC No. 7787/2018.
3. As per the prosecution story, on 21.08.2017, on the basis of information received from an informant, police personnel searched the Applicant and one unnumbered Duster car in which other co-accused

persons namely Vishwanath and Vijendra Singh were also found. On being searched total 93.500 kg of contraband ganja has been found from the joint possession of present Applicant and other co-accused persons. On the basis of the said, offence has been registered and Applicant has been taken into custody on 21.08.2017.

4. 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 further submits that both the seizure witnesses have already been examined before the Trial Court and have not supported the case of the prosecution. Applicant is in custody since 21.08.2017 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 21.08.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 2,00,000/- with two local solvent sureties each of Rs. 1,00,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge