

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1228 of 2019**

Deepak alias Dipu Mistry, S/o Satto Mistry, aged about 27 Years, R/o M.V. 83 Padamgiri, Police Station- Malkangiri, District- Malkangiri (Odisha) **---- Applicant**

Versus

State of Chhattisgarh, Through the Police Station- Kotwali, District- Rajnandgaon (C.G.) **---- Respondent**

AND**MCRC No. 1317 of 2019**

Rakesh Rai, S/o Rishikesh Rai, aged about 24 Years, R/o M.V. 83 Padamgiri, Police Station- Malkangiri, District- Malkangiri (Odisha) **---- Applicant**

Versus

State of Chhattisgarh, Through the Police Station- Kotwali, District- Rajnandgaon (C.G.) **---- Respondent**

For Applicants : Mr. Shaleen Singh Baghel, Advocate.

For Respondent/ State : Mr. Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

05/04/2019

1. These are second bail applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 23.11.2017 in connection with Crime No. 668/2018 registered at Police Station- Kotwali, District- Rajnandgaon (C.G.), for the offence punishable under 20(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short "the NDPS Act").
2. The first bail applications (MCRC No. 4241 of 2018 & 3852 of 2018) were dismissed by this Court on 19.09.2018 for want of prosecution.

3. The appellants are charge-sheeted for commission of offence under Section 20(b) of the NDPS Act for having joint possession of contraband article ganja to the tune of 22 kg.
4. Learned counsel for the applicants submits that the applicants are innocent and are in jail since 23.11.2017. There is no chance of their absconding or tempering the prosecution witnesses, therefore, they may be enlarged on bail. He placed reliance in the matter of **Gorakh Nath Prasad Vs. State of Bihar**, reported in **LAWS (SC) 2017 (12) 20**, **State of Rajasthan Vs. Parmanand & another**, reported in **(2014) 5 SCC 345** & order dated **24.11.2017** passed by this Court in **MCRC No. 5511 of 2017**.
5. On the contrary, learned State counsel opposes the applications for grant of bail.
6. Looking to the quantity of contraband article ganja seized in the crime in question and further looking to the fact that the evidence of prosecution witnesses is not completed, it is not a fit case to grant bail in favour of the applicants, therefore, I am not inclined to grant regular bail in favour of the applicants.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge