

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1423 of 2019**

1. Salam Khan & Anr. S/o Late Shri Swaleh Khan Aged About 29 Years R/o B. S. U. P. Colony, Bhatagaon, Raipur P. S. Purani Basti, District Raipur Chhattisgarh
2. Santosh Kumar Sahu S/o Sesh Narayan Sahu Aged About 46 Years R/o Pawani, P. S. Dharsiwa, District Raipur Chhattisgarh

---- Applicants

**Versus**

- State Of Chhattisgarh Through The Police Station Pateva, Mahasamund Chhattisgarh

---- Respondent

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|----------------|---|------------------------------------|
| For Applicants | : | Shri Vivek Kumar Agrawal, Advocate |
| For State      | : | Shri Santosh Bharat, Panel Lawyer  |

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**S.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**26/04/2019**

The applicants have been arrested in connection with Crime No.196/2017 registered at Police Station - Pateva, District - Mahasamund (C.G.) for alleged commission of offence under Section 20 B of NDPS Act.

2. The case of the prosecution is that from the possession of the applicants, 12.7 Kg of *ganja* was seized.

3. Learned counsel for the applicants would argue that investigation is complete, charge sheet has been filed and during trial, the independent witnesses of seizure have not supported the case of the prosecution and have turned hostile. He would also submit that the applicants have remained in jail for more than 1 year and 4 months and therefore, at this stage, they may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the quantity of *ganja* seized from the possession of the

applicants and investigating officer is yet to be examined and there are likelihood of applicants fleeing away from justice, the application may be rejected.

5. Considering the submission, particularly the period of detention and the trial has not been concluded so far and also taking into consideration that the independent witnesses of seizure have turned hostile, I am inclined to grant bail to the applicants, though with onerous condition that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-  
( **Manindra Mohan Shrivastava** )  
**Judge**