

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1637 of 2019**

1. Mukesh Patel S/o Rambaran Patel Aged About 25 Years R/o Bhathikhurd (Wrongly Mentioned Malikhurd In The Order Sheet), P.S.- Aaspur Devsara, District- Pratapgarh, Uttar Pradesh.
2. Ramcharan S/o Dukhiram Aged About 38 Years R/o Bhathikhurd (Wrongly Mentioned Malikhurd In The Order Sheet), P.S.- Aaspur Devsara, District- Pratapgarh, Uttar Pradesh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Gariyaband, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Indira Tripathi, Advocate.
For Respondent/State	: Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**10/05/2019**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 243/2018, registered at Police Station – Gariyaband, District- Gariyaband (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per the prosecution story, on 15.10.2018, on the basis of information received from an informant, investigating officer of the case searched vehicle bearing Registration No. MP 20 FA 5504, the applicants and two other co-accused persons were seated in the said vehicle, on being searched total 78 Kgs. of contraband ganja has been found and from each of them 19.5 Kgs. has been seized. The applicants are in custody since 15.10.2018 itself.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied with. He further submits that the seizure of the said contraband Ganja is suspicious. The applicants are in custody since 15-10-2018, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicants may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicants are in custody since 15-10-2018, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on each of them 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 Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge