

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1728 of 2019

- Hemanand Sahu S/o Fakir Sahu Aged About 40 Years (Dhananjay Sahu Wrongly Mentioned In Impugn Order) R/o Village Boirdih, Police Station - Baramkela, District Raigarh Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Pawan Kumar Kesharwani, Advocate.
For Respondent/State	: Mrs. Smriti Shrivastava, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/04/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 145/2018, registered at Police Station Baramkela, District Raigarh (C.G.) for the offence punishable under Section 20 (B) (ii) (c) of the NDPS Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after two months vide order dated 27.11.2018 passed in MCRC No. 8364/2018.
3. As per prosecution story, on 02.08.2018, on the basis of information received from an informant, investigating officer of the case searched house of the applicant and seized total 20 Kgs. of contraband *ganja* from his possession and he has been arrested on 02.08.2018 itself.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied

with. He further submits that the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the applicant has one previous criminal case record of same nature and he has been acquitted from the said case, he is in custody since 02-08-2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that the applicant has criminal antecedent, therefore, he may not be released on bail.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the seizure witnesses have turned hostile, the applicant is in custody since 02-08-2018, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits 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 executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge