

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1696 of 2019

- Naptali Mandi @ Nafatla Mandi S/o Dhoba Mandi, Aged About 23 Years R/o Village Cherka, Baigam, P. S. Vyapariguda, District Koraput, Odisha.

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post Bastar, P. S. Kotwali, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

AND

MCRC No. 1945 of 2019

- Raju Verma S/o Heeru Verma, Aged About 32 Years Caste- Lodhi, R/o Mini Mata Nagar, Plot No. 1253, District- Kalmana, Nagpur, Maharastra.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Kotwali, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant (in MCRC No. 1696/2019)	: Shri R.K. Jain, Advocate.
For Applicant (in MCRC No. 1945/2019)	: Shri Vikash A. Shrivastava, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/05/2019

Heard.

1. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
2. The Applicants have preferred this second bail application under

Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 106/2018, registered at Police Station – Kotwal, Jagdalpur, District – Bastar, Chhattisgarh, for the offence punishable under Section 482 of IPC & Section 20-B of NDPS Act, & Section 130(3)/177 of Motor Vehicle Act.

3. First bail applications of both the cases were dismissed as withdrawn with liberty to file afresh after two months vide order dated 02.01.2019 passed in MCRC No. 7677/2018 & MCRC No. 9155/2018.
4. As per the prosecution story, on 15.03.2018 on the basis of information received from the informant, police personnel search one vehicle bearing registration No. CG 10 H 5681 in which both the Applicants were found inside the vehicle. On being searched, total 78.660 kg of contraband 'ganja' has been seized from the joint possession of both the Applicants. It is further alleged that Applicants used forged number plate of MH 49-B 5494 in the said crime. On the basis of the said, offence has been registered. Applicants have been taken into custody on 15.03.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submits that mandatory provisions of the NDPS Act has not been complied with. They also states that seizure witnesses have already been examined before the Trial Court and they have not supported the case of the prosecution. Applicants have no previous criminal antecedents. Both Applicants are in custody since 15.03.2018 and trial is likely to take some time. Therefore, Applicants may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary with due care.
8. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that Applicants have no previous antecedents, they are in custody since 15.03.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

9. Accordingly, the bail application is allowed.

10. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 50,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge