

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1902 of 2019

- Shailesh S/o Vijay Rathod Aged About 21 Years R/o Plot No. 118, Chausada Road, Waghapur, Siddheshwar Nagar, Yavatmal, Police Station Yavatmal, District Yavatmal, Maharashtra.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Borai, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Shri F.S. Khare, Advocate.
For Respondent/State : Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/04/2019

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. 06/2018, registered at Police Station – Borai, District – Dhamtari, Chhattisgarh, for the offence punishable under Section 20(b) (ii)(C) of NDPS Act and Section 420 of IPC.
2. First bail application was earlier dismissed for want of prosecution vide order dated 07.01.2019 passed in MCRC No. 6292 of 2018.
3. As per the prosecution story, on 10.03.2018, a secret information was received to the police officials from an informant that some youth are transporting illegal ganja in a white colour Mahindra XUV 500 bearing registration number CG-04/KP-3457. On the basis of the said

information, they tried to stop the said vehicle but the accused persons did not stop the vehicle and fled away. Thereafter, vehicle was found near jungle in which one co-accused namely Rakesh Sarkar was found inside the vehicle. On being searched, total 190 kg of contraband ganja was found inside the vehicle which was seized from the possession of co-accused Rakesh. It is further alleged that present Applicant is the owner of the said vehicle and at the time of commission of the offence, he was also sitting inside the vehicle, thereafter, fled away from the spot alongwith two other co-accused persons. Therefore, he is also indulge in the said crime. The Applicant has been taken into custody on 20.04.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that on the basis of the evidence collected by the prosecution, *prima facie*, no any offence can be made out against the present Applicant. He also states that present Applicant was neither present at the spot nor contraband ganja has been seized from his possession. Charge-sheet has been filed, Applicant has been taken into custody on 20.04.2018 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that charge-sheet has been filed, Applicant is in custody since 20.04.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 2,00,000/- with two local sureties each of Rs. 1,00,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge