

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1828 of 2019

- Judhithir Nayak S/o Ratnakar Nayak Aged About 25 Years R/o Sunabede, Police Station Sunabeda, District - Koraput Orrisa.

---- Applicant

Versus

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

---- Respondent

MCRC No. 1831 of 2019

- Mohammad Amir Baig S/o Late Taj Mohammad Baig Aged About 25 Years R/o Sunabeda P.S. Sunabeda District- Koraput Orrisa.,

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Nagarnaar, District- Bastar, Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikas A. Shrivastava, Advocate.
For Respondents/State : Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05/11/2019

1. Since both the petitions (MCRC Nos. 1828/2019 & 1831/2019) arise out of the same Crime No.(225/2018), they are being disposed of by this common order.
2. 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. 225/2018 registered at Police Station – Nagarnaar, District Bastar (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.

3. According to the prosecution story, on 13.11.2018, on the basis of information received from an informant, P.S. Nagarnaar searched and seized total 14.00 Kg. contraband article cannabis (Ganja) (08 Kg. From the possession of applicant Mohammad Amir Baig and 06 kg. From the possession of Applicant Judhisthir Nayak). Thereafter, the applicants have been arrested.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that both the seizure witnesses have not supported the seizure memorandum and turned hostile. Applicants are in custody since 13.11.2018. They have no previous antecedent and trial will take some time, therefore, they 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.
7. Considering the facts and circumstances of the case, the detention period of the applicants, the fact that the applicants have no criminal antecedent and further considering the fact that the both the seizure witnesses have turned hostile and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- each, with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge