

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1972 of 2019

- Harish Chandaliya S/o Satpa Aged About 30 Years R/o Pasinakala, Police Station- Panipath, District- Panipath, Hariyana.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA .

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/04/2019

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. 11/2017, registered at Police Station Borai, District Dhamtari (C.G.) for the offence punishable under Section 20 (ख) (ii) (ग) of the NDPS Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after three months vide order dated 03.12.2018 passed in MCRC No. 6171/2018.
3. As per prosecution story, on 15.09.2017, on the basis of information received from an informant, investigating officer of the case searched one vehicle namely Renault Duster bearing Registration No. MR 06 AB 4200 and seized 35 Kgs. of contraband *ganja* from the possession of the applicant and 66 Kgs. of contraband *ganja* from the possession of co-accused Kuldeep and they have been arrested on 15.09.2017 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 one of the seizure witness namely Suresh Kumar Kosle has already examined before the Trial Court and he has not supported the case of the prosecution and turned hostile and another seizure witness Sureshwar Dubey has been given up by the prosecution. The applicant is in custody since 15.09.2017, 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.
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 one of the seizure witnesses namely Suresh Kumar Kosle have already examined before the Trial Court and he has not supported the case of the prosecution. The applicant is in custody since 15-09-2017, 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. 20,000/- 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