

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2140 of 2019**

1. Liyakat Ali, S/o Meharban Ali, aged about 27 Years R/o Village Meharban Tanda Tanda Police Station Chhapraily, District Bagvan, Uttar Pradesh.
2. Amrish S/o Yamin Aged About 25 Years R/o Village Meharban Tanda Tanda Police Station Chhapraily, District Bagvan, Uttar Pradesh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajesh Jain, Advocate.
For Respondent/State : Mr. V.K. Agrawal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/06/2019

1. 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. 238/2018, registered at Police Station – Kondagaon, District-Kondagaon (C.G.) for the offence punishable under Section 20 (B) of NDPS Act, 1985.
2. First bail application was earlier dismissed as withdrawn with liberty to file afresh after filing of charge-sheet vide order dated 15.02.2019 passed in MCRC No.716/2019.
3. As per the prosecution story, on 23.09.2018, on the basis of information received from informant police official searched the vehicle bearing registration No. HR-01-Q 9395 in which both the Applicants were found inside and seized total 26 Kg and 190 gm of contraband Ganja from their joint possession. On the basis of the said, offence

has been registered. The Applicants are in custody since 23.09.2018.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated. He further submits that both the seizure witnesses have already been examined before the Trial Court and they have not supported the case of the prosecution. He also submits that the Applicants are in custody since 23.09.2018 and trial is likely to 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 and perused the case diary with due care.
7. Considering the facts and circumstances of the case, particularly considering the fact that the Applicants are in custody since 23.09.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicants on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 4,00,000/- with two local solvent sureties each of Rs.2,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge