

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2260 of 2019**

- Vijendra Kumar S/o Late Puran Kumar Aged About 32 Years R/o Village Nabipur (Wrongly Mentioned As Navipur), Opposite Hanuman Mandir, Police Station Hasaeen, District Hathras, Uttar Pradesh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station Kondagaon, District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Shri Raza Ali, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/05/2019**

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. 225/2017, registered at Police Station – Kondagaon, District – Kondagaon, Chhattisgarh, for the offence punishable under Sections 20(B) of NDPS Act.
2. First bail application of the Applicant has been dismissed as withdrawn with liberty to file afresh after four months vide order dated 29.11.2018 passed in MCRC No. 6964/2018.
3. In this case there are three accused persons. As per the prosecution story, on 18.11.2017, on the basis of information received from an informant, Investigating Officer of the case searched one vehicle bearing registration No. UP-80-BY-3389 in which the present Applicant alongwith two other co-accused person were found inside the said vehicle. On being searched, total 156 kg 630 gm of contraband 'ganja' has been seized from the joint possession of the present

Applicant and other co-accused persons. On the basis of the said, offence has been registered. The Applicant has been taken into custody on 18.11.2017.

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 seizure witnesses have been examined before the Trial Court and they have not supported the case of the persecution. Applicant has no criminal antecedents, he is in custody since 18.11.2017 and trial is likely to take some time. Therefore, Applicant 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, the evidence collected by the prosecution and further considering the fact that Applicant has no criminal antecedents, he is in custody since 18.11.2017 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 solvent sureties each of Rs. 1,00,000/- for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge