

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2318 of 2019**

- Vijendra Singh Chauhan S/o Jogendra Singh Chauhan, Aged About 32 Years R/o Near Ajay Kirana Shore Yadunandan Nagar Tifra, Police Station Sirggitti, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Gunjan Tiwari with Shri N.P. Dubey, Advocates.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

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

1. The Applicant has preferred the first application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 257/2017, registered at Police Station – Ratanpur, District – Bilaspur, Chhattisgarh, for the offence punishable under Sections 20 B (ii-c) of NDPS Act.
2. As per the prosecution story, on 21.08.2017, on the basis of information received from an informant, police personnel searched one unnumbered Duster car in which present Applicant and two other co-accused persons were found sitting inside the said vehicle. On being searched total 93.500 kg of contraband ganja has been found from the joint possession of present Applicant and other co-accused persons namely Nitesh Kumar Mahar and Vishwanath Rathore. On the basis of the said, offence has been registered and Applicant has been taken into custody on 21.08.2017.
3. 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 mandatory provisions of the Act has not been complied with. He further submits that seizure witnesses have already been examined before the Trial Court and have not supported the case of the prosecution and turned hostile. Co-accused person namely Nitesh Kumar Mahar has already been granted bail by this Court vide order dated 18.03.2019 passed in MCRC No. 1341/2019. Applicant is in custody since 21.08.2017 and trial is likely to take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 21.08.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. 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 solvent 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