

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2934 of 2019**

Mukesh Kumar Rathour S/o Prem Narayan Rathour Aged About 45 Years R/o Near Saroj Memoriyal School, Baragarh Kala, Police Station Khajuri, District Bhopal Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajesh Jain, Advocate.
For Respondent/State : Mr. K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/06/2019

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. 135/2018, 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 dismissed with liberty to file afresh after examination of some material witnesses before the Trial Court vide order dated 03.01.2019 passed in MCRC No.5689/2018.
3. As per the prosecution story, on 30.05.2018, on the basis of information received from informant, police officials searched a car bearing registration No.MP-04/HC-674 which was driven by co-accused namely Ansar Beg and the present Applicant was also present inside the car. On being searched total 97 Kg and 470 gm of contraband Ganja was seized from the joint possession of the present Applicant and co-accused Ansar Beg. On the basis of said, offence

has been registered. The Applicant was arrested on 30.05.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute. He submits that mandatory provisions of NDPS Act have not been complied with. Both the seizure witnesses have also examined and they have not supported the case of the prosecution and turned hostile. He further submits that charge sheet has been filed and the Applicant is in custody since 30.05.2018 and trial is likely to take some time. Therefore, he 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 evidence collected by the prosecution and the fact that the Applicant is in custody since 30.05.2018 and trial will 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. 6,00,000/- with two local solvent sureties each of Rs.3,00,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge