

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2995 of 2019**

- Rajesh Mahto S/o Sipahi Mahto Aged About 34 Years R/o Village - Masadh, Police Station Udatta Nagar, District Bhojpur, (Bihar).

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Keshkal, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri S.K. Agrawal, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/06/2019**

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. 123/2015, registered at Police Station – Keshkal, District – Kondagaon, Chhattisgarh, for the offence punishable under Sections 20(b)(II)(B) of NDPS Act.
2. First bail application of the Applicant was earlier dismissed as withdrawn vide order dated 14.02.2019 passed in MCRC No. 536 of 2019.
3. As per the prosecution story, on 08.09.2015, on the basis of information received from an informant, Investigating Officer of the case, stopped one vehicle bearing registration no. JH 09 A-6752. Allegedly, at that time present Applicant and two other co-accused

persons were found inside the vehicle. It is further alleged that two accused persons fled away from the spot and present Applicant was caught by the police. On being searched total 40.600 kg of contraband 'ganja' has been seized from his possession. On the basis of the said, offence has been registered and Applicant has been taken into custody on 08.09.2015.

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 mandatory provisions of the Act has not been complied with. He also submits that seizure articles belongs to other co-accused persons. One of the seizure witnesses has been examined who has not supported the case of the prosecution and turned hostile. There are some more witnesses who are yet to be examined. Further, it is submitted that present Applicant has no previous criminal antecedents. Applicant is in custody since 08.09.2015 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, the evidence collected by the prosecution and further considering the fact that Applicant has no previous criminal antecedents, he is in custody since

08.09.2015 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. 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