

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2651 of 2019

- Rakesh Surkar S/o Shesh Rao Surkar Aged About 25 Years (Wrongly Mentioned the surname of the father of the applicant as Sarkar in the rejection order), R/o Borgaon, Meghe Ward No. 6, Sat Pute Layout, Police Station - Wardha, Tahsil And District - Wardha Maharashtra.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Borai, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate.
For Respondent/State : Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/05/2019

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. 06/2018, registered at Police Station – Borai, District- Dhamtari (C.G.) for the offence punishable under Section 20 (B) (ii) (c) of the NDPS Act and Section 420 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the seizure witnesses before the Trial Court vide order dated 07.01.2019 passed in MCRC No. 7979/2018.
3. As per the prosecution story, on 10.03.2018, on the basis of information received from an informant, investigating officer of the case searched the applicant and seized total 190 Kgs. of contraband *Ganja* from the possession of the applicant and he has been taken in custody on 20.04.2018.

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 the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 20.04.2018
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 the applicant is in custody since 20.04.2018 more than 1 year 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 local solvent sureties each of Rs. 1,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge