

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2732 of 2019

1. Mukesh Kumar Choudhary S/o Giriraj Singh Aged About 40 Years R/o Village Nagala Khubi, Thana Mahasavan, District Mathura (U.P.)
2. Ravindra Singh S/o Barnam Singh, Aged About 34 Years R/o Village Lohra, Thana Baldev, District - Mathura (U.P.)
3. Dharamveer S/o Sohanlal Agrawal, Aged About 45 Years R/o Village - Khadauli, Thana Khadauli, District Agara (U.P.)

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Khallari, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate.
For Respondent/State : Mr. Amit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/05/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 256/2018, registered at Police Station Khallari, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act, 1985.
2. As per prosecution story, on 03.12.2018, on the basis of information received from an informant, investigating officer of the case searched vehicle bearing Registration No. HR 26 BX 9681, at that time, all the applicants were seated in the vehicle. After being searched, total 30 Kgs. of contraband *Ganja* has been

seized from their joint possession and they have been arrested on 03.12.2018 itself.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. Mandatory provisions of the NDPS Act have not been complied with. Relying upon the judgment dated 16.08.2018 passed by the Hon'ble Supreme Court passed in CRA No. 1880/2011 (*Mohan Lal Versus The State of Punjab*) and the judgment dated 11.02.2019 passed by the Hon'ble Supreme Court in CRA Nos. 2450-2451/2010 (*Virendra Kumar Versus State of Himachal Pradesh*), learned counsel further submits that in the instant case Sub-Inspector of Police Station Khallari, namely, Swaraj Tripathi who recorded the first information report, is the only officer who investigated into the entire matter and therefore, in the light of above judgments of the Hon'ble Supreme Court, the whole trial is vitiated. He further submits that the applicants are in custody since 03-12-2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicants may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced and the judgments of the Hon'ble Supreme Court relied upon by the learned Counsel for the applicant and further considering the fact that the applicants are in custody since 03-12-2018, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 4,00,000/- with two local solvent sureties each of Rs. 2,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge

Shubham