

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3097 of 2019**

Kuldeep Kumar S/o Ajeet Singh, aged about 40 Years, Caste Nai, R/o Morkhedi, P. S. Sankala, District- Rohtak, Hariyana.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. K.S. Saini on behalf of Ms. Sharmila Singhai, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/06/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 11/2017, registered at Police Station– Borai, District-Dhamtari (C.G.) for the offence punishable under Section 20 (ख) (ii) (ग) of NDPS Act, 1985.
2. As per the prosecution story, on 15.09.2017, on the basis of information received from informant, investigation officer of the case searched the vehicle bearing registration No.MR 06 AB 4200 and found that present Applicant along with other co-accused Harish was inside the vehicle. On being searched, 66 kg of contraband Ganja was seized from the possession of present Applicant and 35 kg of contraband Ganja was seized from the possession of co-accused. On the basis of said, offence has been registered. The Applicant was arrested on 15.09.2017.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. He submits that one of the seizure witness namely Suresh Kumar Kosle has been already examined before the Trial Court and he has not supported the case of the prosecution and turned hostile. He also submits that another seizure witness Sureshwar Dubey has not been examined by the prosecution. He further submits that mandatory provisions of the NDPS Act have not been complied with and the Applicant is in custody since 15.09.2017 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 with due care.
6. Considering the facts and circumstances of the case, particularly considering the detention period and the fact that the Applicant is in custody since 15.09.2017 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.
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. 3,00,000/- with two local solvent sureties each of Rs.1,50,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge