

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3329 of 2019**

1. Ankit (Ankit Kumar Gupta) S/o Bachchu Gupta(Bachuchu Prasad Gupta) Aged About 23 Years R/o Village- Dhiroul, Police Station- Chachai, District- Anuppur, Madhya Pradesh.
2. Sitaram Gupta(Sita Ram Gupta) S/o Budhdu Lal Gupta Aged About 40 Years R/o Village- Dhiroul, Police Station- Chachai, District- Anuppur, Madhya Pradesh.

---- Applicants**Versus**

- State of Chhattisgarh Through Police Station- Borai, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	: Shri Rajesh Jain, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

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

1. The Applicants have preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 29/2018, registered at Police Station – Borai, District – Dhamtari, Chhattisgarh, for the offence punishable under Section 20-B of NDPS Act.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after three months vide order dated 20.02.2019 passed in MCRC No. 835 of 2019.
3. As per the prosecution story, on 03.10.2018, on the basis of information received from an informant, Investigating Officer of the

case, searched one vehicle (car) bearing registration no. CG 16 CB 0573. Allegedly, at that time present Applicants and other co-accused person were found inside the vehicle. On being searched 36-36 kg of contraband 'ganja' has been seized from the possession of each of the Applicants. On the basis of the said, offence has been registered and Applicants have been taken into custody on 03.10.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that mandatory provisions of the Act has not been complied with. He also submits that both seizure witnesses have already been examined and they have not supported the case of the prosecution and turned hostile. Applicants have no previous criminal antecedents. They are in custody since 03.10.2018 and trial is likely to take some time. Therefore, they 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 Applicants have no previous criminal antecedents, they are in custody since 03.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

8. Accordingly, the bail application is allowed.

9. 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 concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge