

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3365 of 2019

- Sonu S/o Shri Karambir Singh Aged About 25 Years R/o Village Data, Tahsil And Police Station - Hansi, District : Hisar, Haryana.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Gariyaband, District Gariyaband, Chhattisgarh.

---- Respondent

MCRC No. 4560 of 2019

- Sonu Rajput S/o Prakash Rajput Aged About 28 Years R/o Village- Data, Hisar (Haryana), Hansi, District- Hisar, Haryana.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, Gariyaband, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant (MCRC No. 3365/19) : Shri J.K. Gupta, Advocate.
For Applicant (MCRC No. 4560/19) : Shri Goutam Khetrapal, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/08/2019

1. Heard.
2. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicant (MCRC No. 3365/19) has preferred his first bail application and Applicant (MCRC No. 4560/19) has preferred his second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 95/2018,

registered at Police Station – City Kotwali, Gariyaband, District-Gariyaband, (C.G.) for the offence punishable under Section 20(B) of NDPS Act.

4. First bail application of Applicant (MCRC No. 4560/19) Sonu Rajput was earlier dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses vide order dated 31.01.2019 passed in MCRC No. 8415/2018.
5. In this case there are total five accused persons out of which one accused person namely Amit has already died. As per the prosecution story, on 22.05.2018 on the basis of information received from an informant, police personnel stopped two vehicles i.e. one Toyota Innova bearing registration No. HR-55-5-2066 in which total 55.300 kg of contraband 'ganja' has been found and from another vehicle i.e. Maruti Swift Dzire bearing registration No. HR-10-F-3689 total 94.800 kg of contraband 'ganja' has been found. It is alleged that co-accused namely Mandeep Sharma and Arvind Saini were the driver of Swift Dzire car and Innova car respectively. Applicant Sonu Rajput (MCRC No. 4560/19) was found sitting inside Swift Dzire car from whom 55.300 kg of contraband 'ganja' has been seized and from the possession of Applicant Sonu (MCRC No. 3365/19) and co-accused Amit, 47.400 kg of contraband 'ganja' have been seized from each of them. On the basis of the above, offence has been registered and Applicants have been taken into custody on 27.05.2018.
6. Learned Counsel appearing on behalf of the Applicants submit that the Applicants are innocent and have been falsely implicated in the case. They further submit that mandatory provisions of the Act has not been complied with and on the same fact of evidence collected by the prosecution, co-accused namely Mandeep Sharma and Arvind Saini have already been granted bail by this Court vide order dated 30.04.2019 passed in MCRC No. 6452/2018. They also submits that both seizure witnesses have already been examined and they have not supported the case of the prosecution. Applicants are in custody since 27.05.2018 and trial is likely to take some time. Therefore, they

may be released on bail.

7. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned Counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicants are in custody since 27.05.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
10. Accordingly, the bail application is allowed.
11. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 6,00,000/- with two local sureties each of Rs. 3,00,000/- to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge