

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3699 of 2019

- Jitendra Tamrakar S/o Shri Hira Lal Tamrakar Aged About 30 Years
R/o Budhpuri South, Police Station- Sarayeakil, District- Kausambhi,
Uttar Pradesh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Ishan Verma, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/07/2019

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. 243/2018, registered at Police Station – Gariyaband, District- Gariyaband (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act, 1985.
2. As per the prosecution story, on 15.10.2018, on the basis of information received from an informant, investigating officer of the case searched vehicle bearing Registration No. MP 20 FA 5504, the applicant and three other co-accused persons were seated in the said vehicle, on being searched total 78 Kgs. of contraband ganja has been found and from each of them 19.5 Kgs. has been seized. The applicant is in custody since 15.10.2018 itself.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Mandatory provisions of the NDPS Act have not been complied

with. He further submits that the seizure of the said contraband Ganja is suspicious, on the same facts and evidence, other co-accused persons Mukesh Patel and Ramcharan have already granted benefit of bail by this Court vide order dated 10.05.2019 passed in MCRC No. 1637/2019. The applicant is in custody since 15-10-2018, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicant 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 and evidence collected by the prosecution, further considering the fact that on the same facts and evidence, other co-accused persons Mukesh Patel and Ramcharan have already granted benefit of bail by this Court, the applicant is in custody since 15-10-2018, charge-sheet has been filed and trial is 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. 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