

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3705 of 2019

1. Indrajeet Mishra S/o Rajendra Prasad Mishra Aged About 22 Years R/o Village- Lashvi Camp, Thana- Kotna, District- Anuppur, Madhya Pradesh.
2. Yuvraj Kenwat S/o Harish Chanda Kenwat Aged About 23 Years R/o Village- Lohsara, Thana- Bijuri, District- Anuppur, Madhya Pradesh.
3. Jay Prakash Sarthi S/o Jaylal Sarthi Aged About 22 Years R/o Village- Anuppur, Purani Basti, Thana- Anuppur, District- Anuppur, Madhya Pradesh.

---- Applicants

Versus

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

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/07/2019

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. 54/2018, registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail was dismissed as withdrawn with liberty to revive the same after three months vide order dated 21.02.2019 passed in MCRC No. 7863/2018.
3. As per prosecution story, on 08.05.2018, on the basis of information received from an informant, investigating officer of the case searched vehicle bearing Registration No. MP 18 C 6878, wherein, the Applicants were seated in the vehicle. On being search, total 169.120 Kgs. of contraband *Ganja* has been seized from their joint possession and they have been taken in custody on 08.05.2018 itself.

4. 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. He further submits that seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The Applicants are in custody since 08.05.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the Applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The Applicants are in custody since 08.05.2018, 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.
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 Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge