

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3522 of 2019

- Vishwanath Rathore S/o Shivkumar Rathore Aged About 21 Years R/o Jaithari, Anuppur Madhya Pradesh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Amit Kumar, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/06/2019

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. 257/2017, registered at Police Station Ratanpur, District Bilaspur (C.G.) for the offence punishable under Section 20 (B) (ii-c) of the NDPS Act.
2. As per prosecution story, on 21.08.2017, on the basis of information received from an informant, investigating officer of the case searched one unnumbered Duster vehicle, at that time, the applicant along with other co-accused persons namely Vijendra Singh Chauhan and Nitesh Kumar Mahar were seated in the vehicle. After being searched, total 92.500 Kgs. of contraband *Ganja* has been seized from their joint possession and they have been arrested on 21.08.2017 itself.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in

the case. Mandatory provisions of the NDPS Act have not been complied with. He further submits that other co-accused persons namely Vijendra Singh Chauhan and Nitesh Kumar Mahar have already granted benefit of bail by this Court vide order dated 03.05.2019 & 18.03.2019 passed in MCRC Nos. 2318/2019 & 1341/2019. The applicant is in custody since 21-08-2017, charge-sheet has already 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, evidence collected by the prosecution and further considering the fact that other co-accused persons namely Vijendra Singh Chauhan and Nitesh Kumar Mahar have already granted benefit of bail by this Court. The applicant is in custody since 21-08-2017, 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 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. 6,00,000/- with two local solvent sureties each of Rs. 3,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge