

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3527 of 2019

1. Mahesh Padal (Wrongly Mentioned As Malesh) & Anr. S/o Rajendra Padal Aged About 22 Years R/o Tarka Kota, Police Station Orkel, District Malkangiri Orissa.
2. Sanjay Kurmi S/o Samra Kurmi Aged About 24 Years R/o Korkunda, Police Station And District Malkangiri Orissa.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gole Bazar Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicants : Ms. Smita Jha, Advocate.
For Respondents/State : Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05/11/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 113/2019 registered at Police Station – Gole Bazar, Raipur, District Raipur (C.G.) for the offence punishable under Section 20 (B)(ii)(C) of NDPS Act.
2. According to the prosecution story, on 13.11.2018, on the basis of information received from an informant, Police Personnel searched and seized total 29.00 Kg. contraband article cannabis (Ganja) in a Yamaha Motorcycle from the possession of present applicants. Thereafter, the applicants have been arrested.
3. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that both the seizure witnesses have not

supported the seizure memorandum and turned hostile. Applicants are in custody since 27.04.2019. They have no previous antecedent and trial will take some time, therefore, they may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the detention period of the applicants, the fact that the applicants have no criminal antecedent and further considering the fact that the both the seizure witnesses have turned hostile and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- each, with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge