

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3543 of 2019**

1. Dharmendra Mehra, S/o Shri Munna Mehra, aged about 23 years Occupation Labourer, R/o Bhath Khamahriya, Jabera, District Damoh Madhya Pradesh.
2. Ratnesh S/o Kishori Lal Yadav, aged about 23 years, Occupation Labourer, R/o Bath Khamhariya, Jabera, District Damoh Madhya Pradesh.
3. Rakesh Jhariya S/o Babulal Jhariya, aged about 27 years, Occupation Labourer, R/o Boriya, Police Station Patan, District Jabalpur, Madhya Pradesh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicants : Mr. Varunendra Mishra, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/07/2019

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. 301/2018, registered at Police Station – Bilaigarh, District- Balodabazar, Bhatapara (C.G.) for the offence punishable under Section 8/20 N.D.P.S Act.
2. First bail application was dismissed with liberty to file afresh after examination of the seizure witnesses vide order dated 02.04.2019 passed in MCRC No.577 of 2019.
3. As per the prosecution story, on 23.08.2018, on the basis of information received from informant, police officials searched and seized vehicle bearing registration No. MP 20 CC 3912, at that relevant time all the present applicants were present inside the said vehicle, on being searched, total 57 Kgs of contraband Ganja was

seized from the possession of present applicants. On the basis of said offence has been registered. The Applicants were taken into custody since 23.08.2018.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He also submits that 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 have no criminal antecedents, they are in custody since 23.08.2018, charge sheet has already been filed and trial is likely to take some time. Therefore, they may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, particularly 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 have no criminal antecedents, they are in custody since 23.08.2018, charge sheet has already been filed and trial will 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**