

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3606 of 2019

1. Manoj Prasad, S/o Ram Babu Prasad, aged about 40 years, R/o Ramhat Ganj, Police Station Masauri, District - Patna Bihar.
2. Mohammad Kalim S/o Mohammad Ahamad, aged about 50 years, R/o Haripur, Police Station Meharna District Godda Jharkhand.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Tongpal, District - Sukma Chhattisgarh.

---- Respondent

For Applicants	: Mr. Rajesh Jain, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/08/2019

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. 20/2018, registered at Police Station – Tongpal, Sukma (C.G.) for the offence punishable under Section 20-B of Narcotics Drugs and Psychotropic Substance Act, 1985.
2. First bail application was dismissed as withdrawn with liberty to file afresh duly constituted vide order dated 15.05.2019 passed in MCRC No.1089/2019.
3. As per prosecution story, on 07.08.2018 on the basis of information received from informant, police officials searched the vehicle bearing registration No.DL3 CBS-3970 and found total 66.890 Kgs of contraband Ganja in it. At that time, the Applicants along with other co-accused persons namely Sonu Kumar and Viru Kumar were present inside the vehicle, the Ganja was seized from their joint possession.

On the basis of the said offence has been registered. The Applicants are in custody since 07.08.2018.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that mandatory provisions of the NDPS Act have not been complied with. He further submits that the Applicants are in custody since 07.08.2018, charge sheet has been filed, both the seizure witnesses have been already examined before the Trial Court and they have not supported the case of the prosecution, and the 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 that the Applicants are in custody since 07.08.2018, charge sheet has been filed, both the seizure witnesses have been already examined before the Trial Court and they have not supported the case of the prosecution 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. 2,00,000/- with two local solvent sureties each of Rs.1,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge