

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3692 of 2019**

Kamla Bai Mohite S/o Arun Mohite, Aged about 30 years R/o Madni, Police Station Silu, District Wardha, Maharashtra

--- Applicant

Versus

State of Chhattisgarh through Police Station Kotwali, District Bastar (C.G.)

---- Respondent

For Applicant	:	Mrs. Soniya Kuldeep, Advocate
For Respondent	:	Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10/07/2019

1. The Applicant has preferred this First Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 106/2018 registered at Police Station Kotwali, District Bastar (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per prosecution story, on the basis of information received from the informant, the police official searched vehicle bearing registration No. CG10 H 5681, wherein the Applicant along with co-accused Naptali Mandi @ Nafatla Mandi and Raju Verma were seated. On being searched total 78.66 kg of contraband (Ganja) was seized from the joint possession of the Applicant and co-accused persons. It is further alleged that the Applicant and co-accused persons used forged number plate i.e. MH49 B 5494 in the said crime. Offence has been registered and the Applicant has been arrested on 15/03/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated. Mandatory provisions of the Act has not been complied with. She further submits that both the seizure witnesses have been examined. They have not supported the case of the prosecution and have turned hostile. Other co-accused persons have already been released on bail vide common order dated 10/05/2019 passed in MCRC Nos. 1696/2019 and 1945/2019. The Applicant is in jail since 15/03/2018, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.

4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 15/03/2018, other co-accused persons have already been released on bail, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit 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 his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge