

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3875 of 2019

1. Raju Rathour S/o Ramesh Rathour Aged About 24 Years Caste Teli, R/o Kotachhrrora, Police Station Vrindavan, District Mathura, Uttar Pradesh.
2. Vikash Sharma S/o Rajesh Sharma Aged About 22 Years, Caste Pandit, R/o Sikandra Bodla, P.S. Jagdishpura, District Agra, Uttar Pradesh.

----Applicants

Versus

- State Of Chhattisgarh Through Police Station Keshkal, District Kondagaon Chhattisgarh.

---- Respondent

For ApplicantS	: Mr. Rajesh Jain, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/07/2019

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. 10/2018, registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per prosecution story, on 14.01.2018, on the basis of information received from an informant, investigating officer of the case searched vehicle bearing Registration No. HR 51 N 3577, wherein, the Applicants along with other co-accused persons namely Anil Kumar and Subhash were seated in the vehicle. On being search, total 108.410 Kgs. of contraband *Ganja* has been seized from their joint possession and they have been taken in custody on 14.01.2018 itself.
3. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have 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 Anil Kumar and Subhash have already granted benefit of bail by this Court vide order dated 16.05.2019 passed in MCRC No. 3017/2019. Seizure witnesses have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The Applicants are in custody since 14.01.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the Applicants 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 Anil Kumar and Subhash have already granted benefit of bail by this Court, seizure witnesses have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The Applicants are in custody since 14.01.2018, 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 Applicants on bail.
7. Accordingly, the bail application is allowed.
8. 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