

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4073 of 2019**

1. Tribhuwan Rai S/o Mr. Ganesh Rai Aged About 32 Years R/o Police Station- Fayuha, Post- Darbhanga, District- Patna, Bihar., District : Patna, Bihar
2. Naresh Kumar Mandal S/o Mr. Deelchand Mandal Aged About 26 Years R/o Fasro, Ward No. 27, Police Station- Bermo, District- Bokari, Jharkhand.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station- Keshkal, Kondagaon, Chhattisgarh,, District : Kondagaon, Chhattisgarh

---- Respondent

For Applicants	:	Shri Raza Ali, Advocate.
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/10/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.01/2018 registered at Police Station - Keshkal, District Kondagaon(C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act.
- It is the case of the prosecution that the applicants were transporting 190.470 kgs of contraband article 'Ganja' in Tata Pickup No.JH 02E 4456 without any authority.
- Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in

question. He further submits that mandatory provisions of the NDPS Act have not been complied with and seizure witnesses have turned hostile; as the applicants are in custody since 1.1.2018 and the trial is likely to take some time for its final disposal, therefore, they may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- Taking into consideration the facts and circumstances of the case, particularly considering that the seizure witnesses have turned hostile and trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicants that they have falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on bail.
- Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.1,00,000/- with one surety each in the like sum to the satisfaction of the concerned Court for their appearance before the said Court as and when directed till the disposal of the trial subject to following conditions:
 - That, the applicants shall furnish a specific, undertaking that while on bail, they will not commit any other offence especially relating to NDPS Act, otherwise bail granted to them shall be liable to be cancelled and they shall co-operate the prosecution during trial.
 - That, the accused/applicants shall make themselves

available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge