

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4404 of 2019**

1. Makhan Singh S/o Ratan Singh, aged about 26 years, R/o Village Magron Police Station Sanogha, District- Sagar, Madhya Pradesh.
2. Guddu Singh S/o Silli Singh, aged about 29 years, R/o Village Semra Police Station- Pathariya, District- Damoh, Madhya Pradesh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Thana- Basna, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Mrs. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/08/2019**

1. First bail application was dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses vide order dated 14.05.2019 passed in MCRC No.3107/2019.
2. 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. 191/2018, registered at Police Station – Basna, District- Mahasamund (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
3. As per the prosecution story, on 08.05.2018, on the basis of information received from informant police officials searched and seized vehicle namely Swift bearing registration No. MP 34 CA 2905, both Applicants were present inside the said vehicle and total 65 Kgs of contraband Ganja was seized from the joint possession of the Applicants. The Applicants are in custody since 08.05.2018.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that mandatory provisions of the NDPS Act have not been complied with, they are in custody since 08.05.2018, seizure witnesses of the case have already been examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, charge sheet has 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 that the Applicants are in custody since 08.05.2018, seizure witnesses have already been examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, charge sheet has 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.
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