

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 4498 of 2019**

- Samar Bahadur Singh S/o Bahadur Singh @ Shambhu Singh Aged About 40 Years R/o Shankar Mandir Jawal Raygad Vibhag Park Side Bhandup West Mumbai Maharashtra.

---- Applicant

**Versus**

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

---- Respondent

---

|                      |                                       |
|----------------------|---------------------------------------|
| For Applicant        | : Mr. Pravin Kumar Tulsyan, Advocate. |
| For Respondent/State | : Ms. Smriti Shrivastava, P.L.        |

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**24/07/2019**

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 91/2018, registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the seizure witnesses before the Trial Court vide order dated 10.05.2019, passed in MCRC No. 1649/2019.
3. As per prosecution story, on 26.08.2018, on the basis of secret information, one vehicle bearing Registration No. MH 03 BC 3633, which was driven by the applicant has been stopped and searched by the police officials, on being searched the said vehicle, total 30.770 Kgs. of contraband *Ganja* has been seized from the possession of the applicant and he has been arrested on the same day.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the case. He further submits that the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant has no criminal antecedent, he is in custody since 26-08-2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the applicant has no criminal antecedent, he is in custody since 26-08-2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 6,00,000/- with two local solvent sureties each of Rs. 3,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**

**Judge**