

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4541 of 2019

1. Surendra Dhruve S/o Dinesh Dhruve Aged About 22 Years R/o Dhaulpur, Tehsil And Police Station Timarni, District Harda, Madhya Pradesh.
2. Atamaram Uike S/o Manohar Uike Aged About 23 Years R/o Dhaulpur, Tehsil And Police Station Timarni, District Harda, Madhya Pradesh.

---- Applicants

Versus

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

---- Respondent

For Applicants	: Mr. Shobhit Koshta, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/08/2019

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. 73/2018, 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 13.07.2018, on the basis of secret information, one vehicle bearing Registration No. MP 47 CA 0830, in which the applicants were seated has been stopped and searched by the police officials, on being searched the said vehicle, total 37.160 Kgs. of contraband *Ganja* has been seized from the possession of the applicants and they have been arrested on the same day.
3. 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 the seizure witnesses of the case Vishnu

Ram (PW-1) and Bhavesh Sinha (PW-2) 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 13-07-2018, 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, 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 applicants are in custody since 13-07-2018 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 applicant 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