

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4713 of 2019**

1. Sunil Kumar S/o Viraj Mandal Aged About 27 Years R/o H.No. 40, Mithari Sector 31, Tahsil Dadri, Police Station - Sector - 20, District Gautam Buddh Nagar, Noida ( U. P. ).
2. Rajesh Sarkar S/o Tarak Sarkar Aged About 21 Years R/o H. No. 50, B. T. Block Jhopadi, Police Station - Hastinapur, District Meruth, ( U. P. ).
3. Gokul Mandal S/o Gourang Mandal Aged About 35 Years R/o 2 / 235, Block Dakshinpuri Extension Delhi, Police Station Ambedkar Nagar, Delhi.

**---- Applicants****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Errabore, District - Sukma Chhattisgarh.

**---- Respondent**

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For Applicants : Shri Shravan Agrawal, Advocate.  
For Respondent/State : Ms. Smriti Shrivastava, P.L.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****01/08/2019**

1. 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. 08/2018, registered at Police Station – Errabore, District – Sukma, Chhattisgarh, for the offence punishable under Section 20(B) of NDPS Act.
2. First bail application of the Applicants was earlier dismissed as withdrawn with liberty to file afresh after examination of seizure witnesses vide order dated 14.05.2019 passed in MCRC No.

2855/2019.

3. As per the prosecution story, on 12.10.2018, while conducting checking at check post barrier naka, police officials stopped one vehicle bearing registration no. AP/03Z/0136 in which the present Applicants were found sitting inside the said vehicle. On being searched, it was found that, each of the Applicant was carrying 8-8 kg of contraband 'ganja' which has been seized from their possession. On the basis of the said, offence has been registered and Applicants have been taken into custody on 12.10.2018.
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 Act has not been complied with. Both seizure witnesses have been examined and they have not supported the case of the prosecution. He also states that Applicants have no previous criminal antecedents. They are in custody since 12.10.2018, charge-sheet has been filed and trial will 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, the evidence collected by the prosecution and further considering the fact that Applicants have no previous criminal antecedents, they are in custody since 12.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them 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. 50,000/- with two

local solvent sureties each of Rs. 25,000/- to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

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