

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4586 of 2019**

Ansar Beg S/o Rafiq Beg, aged about 40 years R/o House No.- 20, Chiklaund Road, Jhangirabad, PS Jhangirabad, District Bhopal (M.P.)

--- Applicant

Versus

State of Chhattisgarh, Through Police Station Kondagaon, District Kondagaon (C.G.)

---- Respondent

For Applicant	:	Mr. Vishnu Kostha, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

29/07/2019

1. The Applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 135/2018 registered at Police Station Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per prosecution story, on 30/05/2018 on the basis of information received from the informant, the police officials searched a car bearing registration number MP05/HC-674 which was being driven by the Applicant. Co-accused Mukesh Kumar was also in the said vehicle. On being search, total 97.470 Kg of Ganja was found which was seized from the joint possession from both of them. Offence has been registered and the Applicant has been taken into custody on 30/05/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute

with the police official. He further submits that mandatory provisions of the NDPS Act has not been complied. Both the seizure witnesses have been examined and they have not supported the case of the prosecution. He further submits that co-accused Mukesh Kumar has already been released vide order dated 27/06/2019 passed in MCRC No. 2934/2019, charge-sheet has been filed and trial will take time, therefore, he prays that the Applicant may be released on bail.

4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that both the seizure witnesses have not supported the case of the prosecution and the Applicant is in jail since 30/05/2018, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge