

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4749 of 2019**

Jainendra Kumar @ Gaurav Sharma, aged about 23 years S/o Sarvesh Kumar Sharma R/o Village Ruhela, Post Kauvatandha, PS Ulau, District Mainpuri (U.P.)

--- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Shobhit Kostha, Advocate
For Respondent	:	Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/08/2019**

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. 62/2018 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 05/03/2018 on the basis of information received from the informant, the police official searched vehicle bearing registration No. PB 11 BN 4017. At the time of search, the Applicant along with co-accused Vinod Kapale was found inside the vehicle. On being searched, total 218.630 Kg Ganja was seized from their joint possession. The Applicant has been arrested on 05/03/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated. Mandatory provisions of the Act has not been complied with. He further submits that both the seizure witnesses and the witness of toll have been examined. They have not supported the case of the prosecution and have turned hostile. He further submits that the Applicant is in jail since 05/03/2018, charge-sheet has been filed and trial will take time, therefore, 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 the Applicant is in custody since 05/03/2018, both the seizure witnesses and the witness of toll have been examined and have not supported the case of the prosecution, charge-sheet has been filed and trial will likely to take some time, 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 with two local sureties each of Rs. 2 lakhs 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