

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4718 of 2019

- Niraj Kumar Pandey, S/o Atrimuni Pandey, Aged About 27 Years R/o Village Jiti Line Bisra Road, In Front Of Jagannath Market, Rourkela, Thana - Rourkela, T District Sundargarh (Odisha).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Singhoda, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

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 Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 32/2018, registered at Police Station Singhoda, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) ii (c) of the NDPS Act.
2. As per prosecution story, on 09.05.2018, on the basis of secret information, one vehicle bearing Registration No. UP 32 BV 7780, in which the applicant along with other absconded accused person were seated in the said vehicle, has been stopped and searched by the police officials, on being searched the said vehicle, total 65 Kgs. of contraband *Ganja* has been seized from the possession of the applicant and he has been arrested on the same day.
3. 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. Mandatory provisions of the act have not been complied with, the applicant has no criminal antecedent, he is in custody since 09-05-2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant 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 applicant has no criminal antecedent, he is in custody since 09-05-2018, charge-sheet has already been filed 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.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on 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 his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge