

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4849 of 2019**

Niraj Sharma, aged about 32 years S/o Ravi Ram Sharma R/o Subhash Stadium, Polytechnics road Shyam Colony, Narnaul Thana Narnaul, District Mahendragard (Haryana)

--- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund(C.G.)

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. Ajay Kumrani, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**14/08/2019**

1. The Applicant has preferred this Second Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 196/2018 registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail application of the Applicant was dismissed as withdrawn with liberty to revive the same after two months vide order dated 15/05/2019 passed in MCRC No. 2748/2019.
3. As per prosecution story, on 04/05/2018 on the basis of information received from the informant, the police official searched vehicle bearing registration No. HR35 L 2803. On being searched, total 161.4 Kg Ganja was found inside the Dikki of the said vehicle. The vehicle was being driven by the Applicant. The Applicant has been arrested on 04/05/2018.

4. 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 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 04/05/2018, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 04/05/2018, both the seizure witnesses 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.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond with two 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