

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5989 of 2018

1. Naresh Kewat Rao Mohite S/o Vanket Rao Mohite Aged About 27 Years R/o- Devulgaon, Shivnagar, Tahsil Selu, Police Station- Dahegaon, District-Vardha, Maharashtra.
2. Dilip Ram Bhau S/o Ram Bhau Aged About 27 Years R/o- Mardi, Tahsil- Tivra, Police Station- Kurra, District- Amravati, Maharashtra.
3. Akash Bharat Rao Dhobe S/o Bharat Rao Dhobe Aged About 20 Years R/o- Village Davulgaon, Shivnagar, Tahsil Selu, Police Station- Dahegaon, District- Vardha, Maharashtra.

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Kondagaon, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Rajesh Jain, Advocate.
For Respondent/State	: Mrs. Smita Ghai, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/04/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 258/2017, 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 21.11.2017, on the basis of information received from an informant, investigating officer of the case searched vehicle bearing Registration No. OH 10 H 3753, at that time, both the applicants were seated in the vehicle. After being searched, total 24.380 Kgs. of contraband *Ganja* have been seized from their joint possession and they have been arrested on 21.11.2017 itself.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. Mandatory provisions of the NDPS Act have not been complied with. 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. The applicants have no criminal antecedents, they are in custody since 21-11-2017, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicants 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 and evidence collected by the prosecution, further considering the fact that the seizure witnesses have turned hostile, the applicants have no criminal antecedents, they are in custody since 21-11-2017, 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 applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them 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 their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge