

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4997 of 2019

- Suraj Bevarta S/o Pradeep Bevarta Aged About ---Years (Not Mentioned In The Order Of Learned Court Below) R/o Dasrapada Bhanjam Mandap Road, Umarkot, (Orissa)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Arjuni Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

MCRC No. 5246 of 2019

- Mohammand Rafique Khan @ Shafique Khan S/o Sher Khan Aged About 27 Years R/o Kajra Colony Patera, Police Station - Patera, District - Damoh (M. P.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Arjuni, District - Dhamtari Chhattisgarh.

---- Respondent

For Applicants : Mr. P.K. Patel, Advocate.
For Respondent/State : Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

18/11/2019

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. 106/2019 registered at Police Station – Arjuni, District Dhamtari (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. According to the prosecution story, on 10.05.2019 on the basis of

information received from an informant, Police Personnel searched and seized total 20.00 Kg. contraband article cannabis (Ganja) in the vehicle Zylo, bearing registration No. OR-2 BX- 3514 from the possession of applicants. Thereafter, the applicants have been arrested.

3. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that both the seizure witnesses have not supported the seizure memorandum and turned hostile. Applicants are in custody since 10.05.2019. They have no previous antecedent and trial will take some time, therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the detention period of the applicants, the fact that the applicants have no criminal antecedent and further considering the fact that the both the seizure witnesses have turned hostile and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- each, with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge