

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5180 of 2019**

Dheeraj Kumar Savita S/o Chakrapal Savita, aged about 24 years R/o New Azad Nagar, Satbari Road, Kanpur, Police Station Vidhnu, District Kanpur (U.P.)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, G.R.P. Thana, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Varunendra Mishra, Advocate
For Respondent : Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20/08/2019

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. 323/2018 registered at Police Station G.R.P. Thana, Raipur, Distt. Raipur (C.G.) for the offence punishable under Sections 20 (B) of the NDPS Act.
2. First bail application of the Applicant has been dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses before the trial Court vide order dated 01/05/2019 passed in MCRC No. 1668/2019.
3. As per prosecution story, on 29/12/2018 on the basis of secret information, the Police official recovered 15 Kg of contraband Ganja from the illegal possession of the Applicant. The Applicant has been arrested

on 29/12/2018.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. He further submits that mandatory provisions of the Act have not been complied with. Both the seizure witnesses have been examined and they have not supported the case of the prosecution and have turned hostile. The Applicant is in custody since 29/12/2018, charge-sheet has been filed and trial will take time, therefore, he prays that the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that both the seizure witnesses have not supported the case of the prosecution, the Applicant is in custody since 29/12/2018, charge-sheet has been filed and trial will take 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 furnishing a personal bond of Rs. 20,000/- with one surety 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