

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6150 of 2018**

- Mangal Kumar Shah S/o Ramavatar Shah Aged About 28 Years R/o Ward No. 17, Kakaddbagh, Mohhalla, Patna City P. S. Dakbangla Road, Patna, Bihar.

---- Applicant**Versus**

- State of C.G. Through The Station House Officer, Police Station Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri G.S. Ahluwalia, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/03/2019**

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. 76/2017, registered at Police Station - Kondagaon, District – Kondagaon, Chhattisgarh, for the offence punishable under Section 20(b)(ii)(B) of NDPS Act.
2. As per the prosecution story, on 25.03.2017, on the basis of information received from an informant, police personnel searched and total 107.435 kg of contraband 'ganja' has been seized from the joint possession of the present Applicant and co-accused Anil Singh. On the basis of the said, offence has been registered. The present Applicant has been taken into custody on 25.03.2017.
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 mandatory provisions of the Act has not been complied with. He also states that both the seizure witnesses have

been examined before the Trial Court in which they have not supported the case of the prosecution. The Applicant is in custody since 25.03.2017 and trial will take some time. Therefore, he 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 and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that seizure witnesses have not supported the case of the prosecution, Applicant is in custody since 25.03.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge