

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6452 of 2018

1. Mandeep Sharma, S/o Shri Satbir Sharma Aged About 23 Years, R/o Mill Road, Aman Nagar, District : Hisar, Haryana
2. Arvind Saini S/o Shri Om Prakash Saini Aged About 25 Years R/o Ward No.13, Mill Road, Government , Colony, Vinod Nagar, District Hisar Haryana.

---- Applicants

Versus

State Of Chhattisgarh Through Crime Branch, Gariyaband,
Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi and Mr. N.Naha Roy,
Advocates

For Respondent/State : Shri V.K. Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/04/2019

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. 95/2018, registered at Police Station–City Kotwali, District- Gariyaband (C.G.) for the offence punishable under Section 20 ii (c) of NDPS Act.
2. As per prosecution story, on 22.05.2018, on the basis of the information received from an informant, police officials stopped two vehicles i.e. one Toyota Innova bearing registration no. HR 55-5-2066 in which 102 Kgs 700 grams of cannabis was found and from another vehicle Maruti Swift Dzire bearing registration no. HR-10-F-3689 in which 47 Kgs 400 grams of cannabis was

found. Applicants Mandeep Sharma was the driver of vehicle Swift Dzire and Applicant Arvind Saini was the driver of vehicle Innova, 47 Kilograms 400 grams of cannabis has been seized from the possession of co-accused person namely Sonu Rajput S/o Karamveer Rajput and 102.700 Kilograms of cannabis has been seized from the possession of co-accused persons Sonu Rajput S/o Prakash Rajput and Amit Kumar. Since both the Applicants have been involved in the crime in question, therefore, they have also been taken in custody on 22.05.2018.

3. Learned Counsel appearing on behalf of the Applicants submits that both the Applicants have been falsely implicated in the present case. He further submits that the cannabis has been seized from the possession of other co-accused persons, the Applicants are in custody since 22.05.2018 and the charge-sheet has been already filed. On the basis of the evidence collected by the prosecution, prima facie no offence can be made out against present Applicants and considering the above facts the Applicants 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, particularly considering the fact that the seized cannabis has not been found from the possession of the present applicants, they are in custody since 22.05.2018 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. 4,00,000/- with two local solvent sureties each of Rs.2,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge