

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5512 of 2019**

- Ramjeet Singh Rathore S/o Bhagat Singh Rathore Aged About 24 Years R/o Manikpuri, Gors, Tahsil And Police Station Jaithari, District Anuppur, Madhya Pradesh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Sushil Dubey, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/09/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 98/2016, registered at Police Station – Farasgaon, District – Kondagaon, Chhattisgarh, for the offence punishable under Section 20(b)(ii)(B) of NDPS Act.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh application after six months vide order dated 31.10.2018 passed in MCRC No. 7331 of 2018.
3. As per the prosecution story, on 08.11.2016, on the basis of information received from an informant, police personnel searched one car (Duster) bearing registration number CG 10 AA 5498 which was driven by present Applicant. On being searched total 2 quintal 8 kg and 354 grams of contraband 'ganja' has been seized from the possession of the present Applicant. On the basis of the said, offence has been registered and Applicant has been taken into custody on

08.11.2016.

4. 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 mandatory provisions of the Act has not been complied with. He also states that both seizure witnesses have been examined before the trial Court and they have not properly supported the case of the prosecution. Applicant is in custody since 08.11.2016, and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 08.11.2016 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge