

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6037 of 2019

1. Shatrughan Nishad S/o Shivilal Nishad, aged about 32 years, R/o Khaspara Village Charama Police Station Charama District North Bastar Kanker Chhattisgarh.
2. Tukesh Kumar Nishad S/o Narottam Nishad, aged about 32 years R/o Village Arandi Police Station Korar District North Bastar Kanker Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh through the Police Station Darbha District Bastar Chhattisgarh.

---- Respondent

For Applicants : Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent/State : Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/09/2019

1. The Applicants have preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 53/2017, registered at Police Station – Darbha, District- Bastar (C.G.) for the offence punishable under Section 20 (b) (2-C) of NDPS Act.
2. First bail application was dismissed as withdrawn with liberty to file afresh after filing of all the order sheets of the Trial Court vide order dated 08.08.2019 passed in MCRC No.4534/2019.
3. As per the prosecution story, on 14.08.2017, on the basis of information received from informant, investigating officer of the case searched the vehicle bearing registration No.MP 20 CD 0488, at that particular time, both the Applicants were found inside the vehicle and

total 230 K.G of contraband Ganja was seized from the possession of both the Applicants and they were taken into custody on 14.08.2017.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and has been falsely implicated in the case. He submits that mandatory provisions of Section 42 and 57 of NDPS Act have not been complied with. He further submits that charges were framed on 27.11.2018 till date only two witnesses have been examined. He lastly submits that the Applicants are in custody since 14.08.2017 and trial will take some more time. Therefore, they 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 particularly considering the fact that the Applicants are in custody since 14.08.2017 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicants on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicants shall be released on bail on each of them 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 Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge