

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6007 of 2019**

Rinku Kumar Jajoriya S/o Shri Balkishan Jajoriya, aged about 29 years R/o House No. 329 Street No. 10, Ambedkar Colony Chakarpur, Police Station Sector- 29 Gudgaon, Civil and Revenue District Gudgaon (Haryana)

--- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund (C.G.)

---- Respondent**AND****MCRC No. 6118 of 2019**

Bhupendra Upadhyay S/o Siyaram Upadhyay, aged about 48 years R/o Ward No. 89, Sushil Residency, Baipur Road Sikandra, P.S. Sikandra, District Agra (U.P.)

--- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund (C.G.)

---- Respondent

For Applicant in MCRC No. 6007/2019:	Mr. Vikash Pradhan, Advocate
For Applicant in MCRC No. 6118/2019:	Ms. Kiran Jain, Advocate
For Respondent :	Mr. Sushil Sahu, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**23/09/2019**

1. Since both bail applications relate to same crime number, therefore, these are being disposed of by this common order.
2. The Applicants have preferred these Second Bail applications under

Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 141/2019 registered at Police Station Bagbhara (C.G.) for the offence punishable under Section 20 (b) of the Narcotic Drugs Psychotropic Substances Act.

3. First bail applications of the Applicants have been dismissed as withdrawn with the liberty to file afresh after examination of the seizure witnesses.

4. As per prosecution story, on 04/06/2019 on the basis of information received from an informant, Assistant Sub Inspector Indra Kumar Thakur searched a vehicle bearing registration No. UP81 AS 7070. On being searched, total 21 Kgs contraband was seized from the joint possession of the Applicants and co-accused Baldev Kumar Jatav. The Applicants have been arrested on 04/06/2019.

5. Counsel for the respective Applicants submit that though first bail applications were withdrawn with liberty to file afresh after examination of seizure witnesses, at that time copy of charge-sheet have not been received by them, therefore, at that time they were not aware about the fact that ASI Indra Kumar is the witness who recorded FIR and also investigated the whole matter, thus this case is duly covered with the judgments passed by Supreme Court *in Criminal Appeal No. 1880/2011 (Mohan Lal v. State of Punjab)* and judgment dated 11/02/2019 passed in *CRA Nos. 2450 and 2451 of 2010 (Virendra Kumar vs. State of Himachal Pradesh)*. They further submit that on this ground co-accused Baldev Kumar Jatav has already been granted bail by this Court vide order dated 02/09/2019 passed in MCRC No. 5494/2019, therefore, they pray that the Applicants may also be granted benefit of bail.

6. Counsel appearing on behalf of the State also opposes the bail

applications.

7. I have heard learned counsel for both the parties.

8. Considering the entire facts and circumstances of the case, particularly, the arguments advanced by the respective counsel, co-accused Baldev has already been granted bail on the same ground and in light of the above judgment passed by Hon'ble Supreme Courts, without further commenting on merit of the case, I am of the opinion that these are the fit cases whereby the Applicants should be enlarged on bail.

9. Accordingly, the bail applications are allowed.

10. It is directed that the Applicants shall be released on bail on each of them executing personal bond of Rs. 20,000/- with two local surities each 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