

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7310 of 2018

1. Manoj Chourasiya S/o Dhanshyam Chourasiya Aged About 36 Years R/o Village Langhanpur, Police Station - Mahoba, District Mahoba, Uttar Pradesh.
2. Bhupchand Chourasiya S/o Foolchand Chourasiya Aged About 42 Years R/o Village Langhanpur, Police Station - Mahoba, District Mahoba, Uttar Pradesh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Basna, District - Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Mrs. Smita Ghai, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/02/2019

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. 59/2018, registered at Police Station Basna, District Mahasamund (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
2. First bail was dismissed as withdrawn vide order dated 26.06.2018 passed in MCRC No. 3961/2018.
3. As per the prosecution story, on 07.02.2018, on the basis of information received from an informant, investigating officer of the case searched the applicants and total 40 Kgs. of contraband ganja has been seized from their joint possession and they have been arrested on 07.02.2018.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that mandatory provisions of the NDPS act have not been complied with, both the seizure witnesses of the case have already examined before the Trial Court and they have not supported the case of the prosecution. The applicants have no criminal antecedents, they are in custody since 07-02-2018 and trial will take some time. Therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that both the seizure witnesses of the have already examined before the Trial Court and they have not supported the case of the prosecution. The applicants have no criminal antecedents, they are in custody since 07-02-2018 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. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge