

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6368 of 2019**

Golok Bishwas S/o Upendra Bishwas, aged about 32 years R/o M.V.-84
Padamgiri, Malkangiri (Odisha)

--- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station Darbha,
District Bastar (C.G.)

---- Respondent

For Applicant: Mr. N.K. Chatterjee and Mr. Mukesh Shrivastava, Advocate
For Respondent: Mr. Amit Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/10/2019

1. The Applicant has preferred this Fourth Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 30/2018 registered at Police Station Darbha, District Bastar (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after 4 months vide order dated 25/09/2018 passed in MCRC No. 5454/2018. Second bail application of the Applicant was dismissed for want of prosecution vide order dated 17/05/2019 passed in MCRC No. 3415/2019. Third bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after examination of seizure witnesses before the trial Court vide order dated 24/07/2019 passed in MCRC No. 4208/2019.

3. As per prosecution story, on 03/07/2018 on the basis of information received from the informant, the police official searched a vehicle bearing registration No. CG17 KM 1880 and found 30.58 Kg Ganja in the said vehicle along with the Applicant. The Applicant has been arrested on 03/07/2019.
4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. Mandatory provisions of the NDPS Act have not been complied. Both the seizure witnesses have been examined before the trial Court and they have not supported the case of the prosecution. He further submits that the Applicant is in jail since 03/07/2018, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that both the seizure witnesses have been examined and they have not supported the case of the prosecution, the Applicant is in custody since 03/07/2018, charge-sheet has been filed and trial will likely to take time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his furnishing

a personal bond of Rs. 20,000/- with one surety 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

rahul