

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8050 of 2018**

1. Narendra Kumar, S/o Kanwar Singh, aged about 32 years, R/o Ramnagar, Post Tijara, P.S.- Tijara, District – Alwar, Rajasthan.
2. Udisha Shah, S/o Ramnath Shah, aged about 25 years, R/o Vijay Inflaib Colony Shukra Bazar Dabari Moda, New Delhi, Delhi.

---- Applicants**Versus**

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

---- Respondent

For Applicants : Shri Rajesh Jain, Advocate.
For Respondent/State : Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/03/2019**

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 01/2018, registered at Police Station - Farasgaon, District – Kondagaon, Chhattisgarh, for the offence punishable under Section 20(B) of NDPS Act.
2. As per the prosecution story, on 08.01.2018, on the basis of information received from an informant, police personnel searched and total 55.324 kg of contraband 'ganja' has been seized from the joint possession of the Applicants. On the basis of the said, offence has been registered against the Applicants and they have been taken into custody on 08.01.2018.
3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the

case. He further submits that the mandatory provisions of the Act has not been complied with. He also states that both seizure witnesses have been examined before the Trial Court in which they have not supported the case of the prosecution. The Applicants have no previous antecedents, they are in custody since 08.01.2018 and trial will take some time. Therefore, they may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that seizure witnesses have not supported the case of the prosecution, the Applicants are in custody since 08.01.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. 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 concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge