

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6706 of 2019

Ravi Kumar S/o Ashok Prasad, aged about 20 years, R/o Village Taheta, Police Station-Makhdumpur, District Jahanabad (Bihar).

---- Applicant

Versus

State Of Chhattisgarh through The Station House Officer, Police Station Sihawa, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/10/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 37/2018, registered at Police Station – Sihawa, District- Dhamtari (C.G.) for the offence punishable under Sections 420 of IPC and 20 (B) (ii) (C) of NDPS Act.
2. First bail application was dismissed as withdrawn with liberty to file afresh after four months vide order dated 29.11.2018 passed in MCRC No.8650/2018.
3. As per the prosecution story, on 27.03.2018, on the basis of secret information received from an informant, police officials searched one vehicle bearing registration No. JH 10 BG 3333. On being searched total 142 kg of contraband '*Ganja*' has been seized from the joint possession of the present Applicant as well as the co-accused namely Ravi Kumar S/o Dinesh Kumar Prasad, Lukki Raj S/o Anil Prasad and Ravi Kumar @ Vikki S/o Mahendra Prasad. On the basis of the said,

offence has been registered. The present Applicant is in custody since 27.03.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that on the same facts co-accused namely Ravi Kumar S/o Dinesh Kumar Prasad has already been granted bail by this Court vide order dated 23.09.2019 passed in MCRC No.2523/2019. The present Applicant is in custody since 27.03.2018 i.e. for more than one and a half year. She lastly submits that one of the seizure witnesses have been examined and he has turned hostile, charge sheet has been filed and trial is likely to take some time. Therefore, he 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 co-accused has already been granted bail by this Court and the present Applicant is in custody since 27.03.2018, charge sheet has been filed and trial will likely to take some time, without further commenting on merits 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 executing a personal bond for a sum of Rs. 4,00,000/- with two local sureties each of Rs.2,00,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge