

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9014 of 2018**

Nohar Vishwakarma S/o Shyamsundar Vishwakarma, aged about 27 years R/o Manendragarh Railway Station, Loko Thana- Manendragarh, Distt. Koriya (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Keshkal, Distt. Kondagaon (C.G.)

---- Respondent

AND

MCRC No. 9017 of 2018

Harishchandra Tandiya S/o Vaidhya Raj Tandiya, aged about 24 years, R/o Pakariya School Tola, Police Station – Gourela, Distt. Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Keshkal, Distt. Kondagaon (C.G.)

---- Respondent

AND

MCRC No. 9036 of 2018

Chaman Chakradhari S/o Shyam Chakradhari, aged about 20 years R/o Irrigation Colony, Police Station Gourela, Distt. Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Keshkal, Distt. Kondagaon (C.G.)

---- Respondent

For Applicants	:	Mr. Yogeshwar Sharma, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

08/03/2019

1. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The Applicant in MCRC No. 9014/2018 has preferred Third bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 141/2017 registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act. His first bail application was dismissed for want of prosecution vide order dated 27/04/2018 passed in MCRC No. 1969/2018. Second bail application of the Applicant was withdrawn with liberty to file afresh after examination of the seizure witnesses vide order dated 06/08/2018 passed in MCRC No. 3768/2018.
3. The Applicants in MCRC Nos. 9017 & 9036 of 2018 have preferred First bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 141/2017 registered at Police Station Keshkal, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act
4. As per prosecution story, the police party received an information that some contraband (Ganja) are being transported in a vehicle bearing registration No. CG12 AN 1974. The police party reached there and searched the vehicle. On search, they found total 136.140 Kg

contraband (Ganja), which was seized from the joint possession of the Applicants. The Applicants have been taken into custody on 10/11/2017.

5. 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. Both seizure witnesses namely Sadari Ram and Chen Singh have already examined and have not supported the case of the prosecution. They have been declared hostile. He further submits that the Applicants are in custody since 10/11/2017 and trial will take time, therefore, the Applicants may be released on bail.
6. Counsel appearing on behalf of the State also opposes the bail application.
7. I have heard learned counsel for both the parties.
8. Considering the entire facts and circumstances of the case, particularly considering that the Applicants are in custody since 10/11/2017, seizure witnesses have not supported the case of the prosecution and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicants on bail.
9. Accordingly, bail applications are allowed.
10. 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

surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul