

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8913 of 2018**

1. Gajraj Singh Thakur, S/o Raman Singh, age about 67 years, R/o Village Lalipura, Thana, Jatera, District- Damoh, (M.P.).
2. Prahlad Patel, S/o Shivilal Patel, aged about 40 years, R/o Budhnagar, Thana – Panagar, District- Jabalpur, (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**18/01/2019**

1. The Applicants have preferred the second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 323/2017, registered at Police Station - Saraipali, District – Mahasamund, Chhattisgarh, for the offence punishable under Sections 20(B) II (C) of NDPS Act.
2. Vide order dated 29.08.2018, passed in MCRC No. 5594 of 2018, first bail application was dismissed as withdrawn with liberty to file afresh after examination of the material witnesses.
3. As per the prosecution story, on 15.10.2017, on the basis of a secret information received from an informant, police personnel searched and seized total 50 kg of cannabis from the joint possession of both the Applicants. The Applicants have been taken into custody on 15.10.2017.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that out of 17 witnesses total 6 witnesses have already been examined, and seizure witnesses have not supported the case of the prosecution and turned hostile. He also states that the Applicants are in custody since 15.10.2017 and trial will take time. Therefore, they may be enlarged 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.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedents and they are in custody 15.10.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge