

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9273 of 2018

- Jitendra Singh Chauhan S/o Bharat Singh Chauhan Aged About 31 Years R/o Village And Post- Ninouli, Police Station- Karhal, District- Mainpuri, Uttar Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Kondagaon, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri PK Tulsyan, Advocate.
For Respondent/State	: Shri DP Singh, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/01/2019

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. 05/2018, registered at Police Station Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the seizure witnesses before the Trial Court vide order dated 24.10.2018 passed in MCRC No. 6938/2018.
3. As per the prosecution story, on 05.01.2018, during vehicle checking police party stopped the vehicle bearing Registration No. HR 26 AQ 7141 which has been driven by the present applicant and seized total 109.922 kgs. of illicit ganja from the possession of the present applicant and he has been arrested on 05.01.2018 itself.
4. Learned counsel appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the present

case. He further submits that the seizure witnesses have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the applicant has no criminal antecedent, he is in custody since 05-01-2018 and trial will take some time, therefore, he may be released on bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the seizure witnesses have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the applicant has no criminal antecedent, he is in custody since 05-01-2018 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. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge