

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9393 of 2018**

1. Gourav Kumar S/o Dhiraj Kumar Aged About 22 Years R/o Tal Nagar Porjavaar, Tahsil- Iglaas, Thana- Gonda, District- Aligarh, Uttar- Pradesh.
2. Mohan Kumar S/o Umesh Goutam, Aged About 25 Years R/o Hari Nagar, Krishna Nagar- Mathura, District- Mathura, Uttar Pradesh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Borai, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicants : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**17/06/2019**

1. The Applicants have preferred their first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 28/2018, registered at Police Station – Borai, District- Dhamtari, Chhattisgarh, for the offence punishable under Sections 20 (B) of NDPS Act and Section 34 of IPC.
2. As per the prosecution story, on 29.09.2018, on the basis of information received from an informant, Investigating Officer of the case searched a car bearing registration number UP 85 BF 0022 in which both the Applicants were found seated. On being searched, total 64 kg of contraband 'ganja' have been seized from their joint possession. On the basis of the said, offence has been registered and Applicants have been taken into custody on 29.09.2018.
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 mandatory provisions of the Act has not been complied with. He also states that seizure witnesses have been examined and they have not supported the case of the prosecution and turned hostile. Applicants are in custody since 29.09.2018 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 Applicants are in custody since 29.09.2018 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. 6,00,000/- with two local sureties each of Rs. 3,00,000/- to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge