

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9921 of 2018**

1. Rakesh Mishra S/o Hanuman Mishra Aged About 32 Years R/o Keshavpura Ward No. 48 Balakund Thana Kota District Kota Rajasthan.
2. Parasram Mida S/o Motilal Mida Aged About 38 Years R/o Village Mahaveer Nagar Kachchi Basti Vistar Yojna Dadabadi Thana Mahaveer Nagar District Kota Rajasthan. **--- Petitioners**

Versus

State of Chhattisgarh through Station House Officer, Police Station
City Kotwali Mahasamund District Mahasamund Chhattisgarh.

---- Respondent

For the applicants	:	Mr. Vikash Pradhan, Advocate
For the Respondent	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****15.01.2019**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 586/2017 registered at P.S. City Kotwali, Mahasamund, Distt. Mahasamund (C.G) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution alleges that when the police team was checking the road, they tried to stop the vehicle/car which was coming from Mahasamund and the same was driven away, which was followed subsequently and when the Car was apprehended from the dickey of the car, total 16.220 kgs., of Cannabis was recovered.
3. Learned counsel for the applicants submits that the earlier bail application was dismissed as withdrawn with liberty to

file the same after examination of the seizure witnesses. He submits that now the seizure witnesses namely Lankesh Banjare (P.W.1) and Ramesh Kumar Yadav (P.W.2) have been examined and they have not supported the case of prosecution, therefore, the applicants have been falsely implicated in this case. He further submits that one of the co-accused Mahender Kashyap has been enlarged on bail by this Court by order dated 25.07.2018 in M.Cr.C.No. 3116 of 2018, therefore, the present applicants may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that the seizure witnesses have denied the case of prosecution as also the fact that the applicants are in jail since 09.11.2017 without any further observation on merits of the case, this Court is inclined to release them on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE