

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 898 of 2020**

- Mithlesh Kumar Mandal S/o Avadhesh Mandal, Aged About 29 Years R/o. Temha Banni Rohri, Police Station Maheshkhut, Khagadiya Bihar, District Khagadiya (Bihar).

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Bhatgaon, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State : Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**24/02/2020**

1. The Applicant has preferred the second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 162/2019, registered at Police Station – Bhatgaon, District – Surajpur, Chhattisgarh, for the offence punishable under Section 20(B) of NDPS Act.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses before the trial Court vide order dated 07.08.2019 passed in MCRC No. 4509/2019.
3. As per the prosecution story, on 08.10.2018, on the basis of information received from an informant, police personnel searched the vehicle bearing registration no. OD-02-AQ-0397 which was driven by the present applicant. On being searched, total 1 quintal 18 kg and 100 gm of contraband 'ganja' has been found inside the vehicle and seized from the present applicant. On the basis of the

said, offence has been registered and applicant has been taken into custody on 08.10.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that both seizure witnesses and other three witnesses have already been examined and they have not supported the case of the prosecution. Applicant is in custody since 08.10.2018, charge-sheet has been filed and trial is likely to take some time. Therefore, it is prayed that applicant may be released 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 with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 08.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 10,00,000/- with two local sureties each of Rs. 5,00,000/- for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge