

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 427 of 2020**

- Chandulal Patel S/o Late Kartikram Patel Aged About 50 Years R/o Village Vedparsada, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri Rajeev Kumar Dubey, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03.02.2020**

1. The Applicant has preferred the third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 25/2019, registered at Police Station – Masturi, District – Bilaspur, Chhattisgarh, for the offence punishable under Section 20(B) of NDPS Act.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after four months vide order dated 07.05.2019 passed in MCRC No. 1771/2019. Second bail application was also dismissed as withdrawn with liberty to file afresh after three months vide order dated 14.10.2019 passed in MCRC No. 6481/2019.
3. As per the prosecution story, on 20.01.2019, on the basis of information received from an informant, police personnel searched the house of the Applicant and seized total 52 kg of contraband 'ganja' from *badi* of his house. On the basis of the said, offence has been registered and Applicant has been taken into custody on 20.01.2019.

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 mandatory provisions of the Act has not been complied with. He also states that there is no material available on record on the basis of which it can be said that the said *badi* of the house from where the contraband *ganja* has been seized, is specifically in possession of the present applicant. Both seizure witnesses have been examined and they have turned hostile. Applicant is in custody since 20.01.2019, charge-sheet has been filed and trial will 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 20.01.2019 i.e. for more than one year 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 personal bond for a sum of Rs. 1,00,000/- with two solvent sureties each of Rs. 50,000/- 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