

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 565 of 2020**

1. Irshad Ali, S/o Shri Hurmat Ali, Aged About 38 Years, R/o 103 Hasanbagh, Hanuman Nagar Police Station- Nandanvan and Tehsil- Nagpur and District- Nagpur Maharashtra.
2. Ravindra Mohite, S/o Shri Babarao Mohite, Aged About 27 Years, R/o Village- Idgaon Police Station Parasivni District- Nagpur Maharashtra.

---- Applicants**Versus**

- State of Chhattisgarh Through: Station House Officer, Police of Police Station Kotwali Chowki, Bastar District- Bastar Chhattisgarh.

---- Respondent

For Applicants	: Shri Ashok Kumar Komra, Adv.
For Respondent/State	: Shri V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 107/2018 registered at Police Station- Chowki Kotwali Bastar District- Bastar (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act.
2. The prosecution story, in brief is that, on 15.03.2018, on the basis of information, police personnel have intercepted and seized total 86.130 KG of contraband Ganja from the possession of the applicants. Thereafter, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in

question. He further submits that the prosecution witnesses namely Nitin Ray (PW/2) & Satesh Shukla (PW/3) have not supported the prosecution case before the trial Court. The applicants are in jail since 15.03.2018, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecution witnesses namely Nitin Ray (PW/2) & Satesh Shukla (PW/3) have not supported the prosecution case before the trial Court and the applicants are in jail since 15.03.2018 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 1,00,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge