

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 654 of 2020**

- Vijayshankar Bind S/o Chourai Ram Bind Aged About 42 Years Resident of Village- Kapuri, Post Office and Police Station- Meja, District- Allahabad Uttar Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Ganj, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**10.02.2020**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 153/2018, registered at Police Station – Ganj, District – Raipur, 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 First bail application of the applicant was dismissed as withdrawn with liberty of file afresh after examination of the seizure witnesses before the trial Court vide order dated 29.04.2019 passed in MCRC No. 690/2019.
3. As per the prosecution story, on 23.06.2018, on the basis of information received from an informant, police personnel searched the Applicant and seized total 30 kg of contraband 'ganja' from his possession. On the basis of the said, offence has been registered and Applicant has been taken into custody on 23.06.2018.
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 some of the mandatory provisions of the Act have not been complied with. He also states that both seizure witnesses have already been examined and they have turned hostile. Applicant is in custody since 23.06.2018 and trial will take some time. Therefore, 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 23.06.2018 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 personal bond for a sum of Rs. 2,00,000/- with two local solvent sureties each of Rs. 1,00,000/- 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