

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4757 of 2020**

Dhiraj Kumar S/o Umesh Prasad Sahu, aged about 28 years R/o Behra Mohanpur, Police Station Sonvarsha, District Saharsha (Bihar)

--- Applicant

Versus

State of Chhattisgarh, Through Police Station Bhatgaon, District: Surajpur (C.G.)

---- Respondent

For Applicant : Mr. Pawan Kumar Kashyap, Advocate

For Respondent : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31/08/2020

1. The matter is heard through video conferencing.
2. The applicant has preferred this Second bail application under Section 439 of the 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 (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs & Psychotropic Substances Act, 1985.
3. First bail application of the applicant was dismissed as withdrawn with liberty to file afresh after examination of the seizure witnesses vide order dated 07/08/2019 passed in MCRC No. 4509/2019.
4. According to the case of the prosecution, on 08/10/2018 on the basis of secret information, the police official searched the vehicle bearing registration No. OD02- AQ 0397 which was being driven by co-

accused Mithlesh Kumar Mandal. It is alleged that the applicant was also present inside the said vehicle. On being searched, total 118.100 Kg of contraband was found inside the vehicle, which was seized from their joint possession. The applicant was arrested on 08/10/2018.

5. Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Both the seizure witnesses have been examined and they have not supported the case of the prosecution. He further submits that the applicant is in jail since 08/10/2018, charge-sheet has already been filed and on the same set of grounds, co-accused Mithlesh has already been granted bail by this Court vide order dated 24/02/2020 passed in MCRC No. 898/2020, therefore, he prays that the applicant may be released on bail.
6. Counsel appearing on behalf of the State also opposes the bail application.
7. I have heard learned counsel for both the parties.
8. Considering the entire facts and circumstances of the case, particularly that the applicant is in jail since 08/10/2018 and co-accused Mithlesh has already been released on bail on the same set of grounds, without further commenting on merit of the case, I am inclined to release the applicant on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the applicant shall be released on his executing a

personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

rahul