

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6530 of 2020

1. Rahul Khan S/o Babu Khan Aged About 20 Years Caste Musalman, R/o Ward No. 31, Nenwa, Road Bundi, Thana City Kotwali, Bundi, District Bundi, Rajasthan.
2. Dayaram Gurjar S/o Lalji Gurjar Aged About 25 Years Caste Gurjar, R/o Village Siyana, Thana Dablana, District Bundi, Presently Mira Get, Opposite To Malanamasi Balaji Ward No. 28, Thana City Kotwali, Bundi , District Bundi Rajasthan.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Farasgaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate.
For Respondent/State : Mr. HS Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/11/2020

1. The applicants have preferred this fourth bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 08/2018, registered at Police Station Farasgaon, District Kondagaon (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
2. First bail of the applicants was dismissed as withdrawn with liberty to file afresh after examination of seizure witnesses of the case vide order dated 26.06.2019 passed in MCRC No. 2020/2019.
3. Second bail of the applicants was dismissed vide order dated

09.12.2019 passed in MCRC No. 5037/2019 and liberty was granted in favour of the applicants to revive the same after three months if seizure witness of the case namely Santosh Sethiya will not be examined before the Trial Court.

4. Third bail of the applicants was also dismissed and liberty was granted in favour of the applicants to revive the same after three months if remaining seizure witnesses will not be examined vide order dated 08.06.2020 passed in MCRC No. 1981/2020.
5. As per prosecution story, on the basis of secret information received from an informant, investigating officer of the case searched the applicants and seized total 72.164Kgs. of contraband *ganja* from them and they have been arrested on 21.01.2018.
6. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that despite of directions given by this Court, till date only 1 seizure witness has been examined. The Counsel lastly submits that the applicants are in custody since 21-01-2018, they have no criminal antecedents, charge-sheet has already been filed and trial is likely to take some time. Hence, it is prayed that the applicants may be released on bail.
7. Per contra, learned counsel appearing on behalf of State opposes the bail application.
8. I have heard learned Counsel for both the parties and perused the material available.
9. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicants are in custody since 21-01-2018, they

have no criminal antecedents, charge-sheet has already been filed and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release the applicants on bail.

10. Accordingly, the bail application is allowed.

11. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 4,00,000/- with two local solvent sureties each of Rs. 2,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**