

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8578 of 2020

Eid Mohammad S/o Peer Mohammad, aged about 28 years, Caste: Musalman, R/o Near 28 Gausala Get, Nenwa, Road Bundi, Thana City Kotwali, Bundi, District Bundi, (Rajasthan)

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15.12.2020

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. 08/2018, registered at Police Station – Farasgaon, District- Kondagaon (C.G.) for the offence punishable under Section 20 (B) of NDPS Act.
2. First bail application of the Applicant was dismissed as withdrawn with liberty to file a fresh after examination of both the seizure witnesses vide order dated 26.06.2019 passed in MCRC No.2020 of 2019.
3. As per the prosecution story, on 21.01.2018, on the basis of secret information received from an informant, investigating officer of the case searched the Applicant and other co-accused persons namely Rahul Khan & Dayaram Gurjar and seized total 72.164 Kgs. of contraband *ganja* from them. On the basis of said, offence was registered and the Applicant was arrested on 21.01.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that vide order dated 26.06.2019, liberty was granted to file a fresh bail application after examination of both the seizure witnesses but, till date only one seizure witness has been examined. He also submits that the Applicant is in jail since 21.01.2018 and on the same set of facts and grounds other co-accused persons have been already granted bail vide order dated 09.11.2020 passed in MCRC No.6530/2020. Therefore, the 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.
7. Considering the facts and circumstances of the case, considering that till date only one seizure witness has been examined, the present Applicant is in jail since 21.01.2018 and also considering the fact that other co-accused persons have been already enlarged on bail and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent 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