

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8070 of 2019**

- Rajeev Paswan S/o Shri Bahadur Paswan Aged About 31 Years R/o Patepur, Lahiri Chowk, Police Station Vaishali, District Vaishali, Bihar.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Sharad Mishra, Adv.
For Respondent	:	Shri Reena Singh , P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2020**

1. The applicant has preferred this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.124/2018, registered at Police Station - Rakhi, District Raipur, (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. First bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of material witnesses.
3. The prosecution story, in brief, is that the police of police station Rakhi, acting on a tip-off, seized 160.00 kilogram contraband article cannabis from the joint possession of the applicant and other co-accused person. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 18.08.2018.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the memorandum and seizure witnesses

namely Jaidha Ram (PW/1) and Jeevan Sahu (PW/2) have not supported the prosecution case and turned hostile. He also submits that the mandatory provisions of the NDPS Act has not been complied with in its letter and spirit. The applicant is in custody since 18.08.2018, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case, quality of evidence, and further considering the fact that the applicant is in custody since 18.08.2018, charge sheet has been filed and the 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 his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge