

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5493 of 2021**

- Balvinder Singh S/o Dalbeer Singh Aged About 48 Years V.P.O. Vithvan, P.O. Bham Tahsil Batla, District Gurdaspur (Punjab), At Present R/o Quarter No. 301, Ward No. 01, R.D.A. Colony Tatibandh, Raipur, District (Revenue And Civil) Raipur Chhattisgarh.

---- Applicant**Versus**

- Government of India Ministry of Finance (Department of Revenue) Directorate of Revenue Intelligence, Raipur Regional Unit, Through Sandeep Kumar, Intelligence Officer, DRI, Regional Unit 30, Panchsheel Nagar Civil Line, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Wasim Miyan, Advocate.
For Respondent/Gvot. of India	: Mr. Ramakant Mishra, A.S.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/09/2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 05/2020 registered at Police Station – Directorate of Revenue Intelligence, Raipur Regional Unit, 30, Panchsheel Nagar, Civil Lines, Raipur, District - Raipur (C.G.) for the offence punishable under Sections 8(C), 20(b)(ii)(c), 25, 27A & 29 of NDPS Act.
2. The first bail application of the applicant was dismissed by this Court vide order dated 13.04.2021 in MCRC No. 9527/2020.
3. As per the prosecution case, upon being informed Investigating Agency searched one truck bearing Registration number PB-12-Q-7045 seized total 800.00 kg. contraband

article cannabis (Ganja) from the possession of co-accused person. Later on, after investigation, present applicant has been arrested because a truck bearing Registration No. PB-12-Q-7045 belongs to the present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that nothing has been seized from the possession of the present applicant, he has been arrested only on the basis of the fact that he is the owner of the said vehicle. He next submits that the applicant is in jail since 16.07.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail. In the support of his argument he placed reliance on the judgment of the Hon'ble Supreme Court passed in the matter of **Balwinder Singh vs. Asstt. Commr, Customs and Central Excise** reported in **2005 4 SCC 146**.
5. On the other hand, counsel for the Government of India opposes the bail application and submits that huge quantity of cannabis has been seized from the said truck, therefore, the applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and situation of the case, taking into consideration detention period of the applicant, particular in case that the applicant is not the person from whom the contraband has been seized, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 5,00,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court. He shall be

released on bail on the following conditions;

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial.
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial, and
- (iv) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Sd/-
(Rajani Dubey)
Judge