

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5977 of 2020**

- Sanjay Kumar Singh S/o Shri A.K.A. Dablo Singh Aged About 32 Years R/o Village Tetariya Post South Akavana, Police Station Udvant Nagar, District Bhojpur (Bihar) Pin 802210.

---- Applicant**Versus**

- The Intelligence Officer, Directorate Of Revenue Intelligence (DRI) Nagpur Regional Unit, 6th Floor, 'B' Wing, CGO Complex, Seminary Hills, Nagpur (Maharashtra), District : Nagpur, Maharashtra.

---- Respondent**MCRC No. 5984 of 2020**

1. Imtiyaz Khan S/o Sarfaraz Khan, Aged About 34 Years, R/o Village Kazipur, Post Dumri, Police Station Semri, District Baksar (Bihar), District : Buxar *, Bihar.
2. Sanjay Yadav, S/o Late Daroga Yadav, Aged About 40 Years, R/o Barhampur, Village Nimaz, West Tola, Near Nimaz High School, District Baksar (Bihar), District : Buxar *, Bihar.

---- Applicants**Versus**

- The Intelligence Officer, Directorate Of Revenue Intelligence (DRI) Nagpur Regional Unit, 6th Floor, 'B' Wing, CGO Complex, Seminary Hills, Nagpur (Maharashtra), District : Nagpur, Maharashtra.

---- Respondent

For Applicants	:	Mr. Jitendra Shrivastava, Advocate in MCRC No. 5977/2020. Mr. Shobhit Mishra, Advocate in MCRC No. 5984/2020.
For Respondent/State	:	Mr. Ramakant Mishra, A.S.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/03/2021**

1. The accused/applicants have moved these **second bail applications** under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.- F. No. DRI/MZU/NRU/INT-82/2019

(On the file of Directorate of Revenue Intelligence, Nagpur Regional Unit Nagpur) in MCRC No. 5977/2020 against the applicant Sanjay Kumar Singh registered at Police Station - The Intelligence Officer Nagpur Regional Unit, District-Nagpur (M.H.) for the offence punishable under Sections 20(B), 28, 29 and 30 of the Narcotic Drugs & Psychotropic Substances Act and in MCRC No. 5984/2020 against applicants Imtiyaz Khan and Sanjay Yadav Registered at Police Station - The Intelligence Officer Nagpur Regional Unit, District-Nagpur (M.H.) for the offence punishable under Sections 20(B), 28 and 29 of the Narcotic Drugs & Psychotropic Substances Act.

2. The first bail applications of the applicants were dismissed by this Court.
3. The prosecution story, in brief is that, on the basis of secret information, officers of directorate of revenue intelligence apprehended the truck bearing registration No. BR-03-K-3093 and seized 276 Kg. contraband cannabis (Ganja) from the possession of truck driver. During interrogation, truck driver stated that he was transporting cannabis (Ganja) on instruction of the Sanjay Kumar Singh. Thereafter, offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that PW-01 Promod Nag turned hostile and not supported the prosecution case and another witness has given up. He next submits that applicants Imtiyaz Khan and Sanjay Yadav are in jail since 05.05.2019 and applicant Sanjay Kumar Singh is in jail since 06.05.2019, there is no likelihood of their case being decided in near future, therefore, the present appellants may be released on bail.
5. On the other hand, counsel for the respondent/state opposes the bail applications and submits that the huge commercial quantity of the cannabis has been transported by the applicants, therefore, no case is made out to grant bail to the applicants.

6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering that the PW-1 has not supported the prosecution case before the trial Court, another witness has been given up and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the applications are allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 1,00,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge