

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7692 of 2021**

Madan Lal Dhurve S/o Bhaiyalal Dhurve Aged About 42 Years R/o
Prem Nagar, Madan Mahal, Police Station Gada, District Jabalpur
Madhya Pradesh

---- Applicant

Versus

State of Chhattisgarh through the Police Station Darbha, District -
Bastar CG

---- Non-applicant

For applicant	Mrs. Madhunisha Singh, Adv.
For non-applicant/State	Mr. Vaibhav Singh, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****8-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 43/2018 registered in police station Darbha, Distt. Bastar, (CG) for offence punishable under 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act (in brevity 'NDPS Act').
3. Brief facts of the case are that on 15-9-2018, police officials of PS Darbha received secret information that two persons are carrying contraband article Ganja in a vehicle, thereafter they stopped TATA 709 Vehicle bearing registration No. CG04 JD 7154 after chasing it and caught present applicant along with other co-accused and seized 730 kg contraband article Ganja from their possession which they were carrying in the vehicle. Based on above facts, police lodged FIR against both the accused for the aforesaid offence and after investigation, charge sheet has been filed.
4. Learned counsel for the applicant would submit that the applicant has not committed alleged crime. He has been falsely implicated in this case. Charge sheet has been filed and five witnesses have been examined, but they have turned hostile and not supported the case of prosecution. Applicant is in custody since last more than 3 years, 10

witnesses are still remained for examination. Conclusion of trial is likely to take more time. She would further submit that co-accused Rakesh Thakur has been granted bail by the coordinate bench vide order dated 23-8-2021 passed in MCRC No. 5119/2021. Hence, on the principle of parity, the applicant is also entitled for grant of bail. Therefore, it is prayed that the applicant may be enlarged on bail.

5. On the other hand, the State Counsel opposing the bail application would submit that quantity of Ganja seized from illegal possession of the applicant is 730 kg which is huge quantity and more than commercial quantity. He would also submit that for such cases, the provisions have been incorporated under Section 37 of the NDPS Act. Looking to above facts and the provisions, the applicant is not entitled for grant of bail.
6. I have heard counsel for both the parties and perused the case diary as also the material available on record including the order dated 23-8-2021 passed by the coordinate bench in MCRC No. 5119/2021.
7. Considering the facts and circumstances of the case, pre-trial detention period of the applicant which is more than 3 years, hostility of seizure witnesses, many witnesses are yet to be examined, grant of regular bail to the co-accused by the coordinate bench and other circumstances of the case, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes two local sureties each for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
8. CC as per rules.

Sd/-

(N.K. Chandravanshi)

Judge