

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3943 OF 2015**

1. Mohammad Jameel Khan S/o Shamsheer Khan aged about 20 years

2. Saddam Ali S/o Qayyum Ali aged about 20 years

Both R/o village Kosamkhunta, Police Station Fingeshwar Distt. Gariyaband (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station Fingeshwar, Distt. Gariyaband (C.G.)

---Non-applicant

For Applicants	:	Ms. Smita Jha, Advocate
For Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 92/15, registered at Police Station Fingeshwar, District Gariyaband, for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act.

2. Case of the prosecution, in brief, is that, applicants were found in possession of 1.300 Kg. Ganja without authority of law.

3. Learned counsel for the applicants would submit that applicants are students and have been falsely implicated in offence in question. He would further submit that applicants are simply taken motorcycle to visit certain places and it is not owned by them. He would lastly submit that charge sheet

has been filed and applicants are in jail since 26/05/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; also considering the fact that applicants are students, aged about 20 years; quantity of Ganja is more than small quantity; vehicle is alleged to be not owned by the applicants; charge sheet has been filed and applicants are in jail since 26/05/2015, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants, namely, Mohammad Jameel Khan and Saddam Ali, shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE