

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6527 of 2015

1. Malik Ram @ Gokul, S/o. Purshottam, aged about 35 years, R/o. Moti Sagar Para, Korba, Tahsil and District – Korba (C.G.)
2. Dhaneshwar @ Mannu, S/o. Rajgir Yadav, aged about 30 years, R/o. Moti Sagar Para, Korba, Tahsil and District – Korba (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Urga, District Korba (C.G.). Note : Police Station wrongly mentioned in impugned order)

---- Respondent

For Applicants	: Mr. Vikash Pandey, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

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.277/2015, registered at Police Station – Urga, District – Korba (C.G.) for the offence punishable under Section – 20 (B) of N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on raid being made from the possession of the applicant No.1, Malik Ram, 950 gm cannabis, and 920 gm cannabis from the applicant No.2, Dhaneshwar were seized.
3. Learned counsel for the applicants would submit that the quantity of the cannabis are within the definition of the smaller quantity and for which maximum six months sentence is provided and considering the

pre-trial detention of the applicants, they may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having considered the fact that the applicants are in jail since 11.10.2015 and the quantity of the cannabis are within the ambit of small quantity for which maximum jail sentence is of six months and taking into the pre-trial detention of the applicant and the fact that trial may take some time, this Court is of the opinion that present is a 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 shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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/-
(Goutam Bhaduri)
Judge