

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6159 of 2015

1. Samsher Khan, S/o. Late Yakub Khan, Aged About 60 Years, (not mentioned in impugned order).
2. Mohd. Shakeel, S/o. Samsher Khan, Aged About 22 Years, (not mentioned in impugned order).

Both R/o. Village- Kosamkhunta, Police Station- Fingeshwar, Distt. Gariyaband, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station - Fingeshwar, Distt. Gariyaband, Chhattisgarh.

---- Respondent

For Applicants	:	Smt. Fouzia Mirza, Advocate
For Respondent	:	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.133/2015 registered at Police Station- Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs & Psychotropic Substance Act.
2. Case of the prosecution, in brief, is that on 11.08.2015 on information received that the applicants are coming with the motorcycle from village Tarjunga for the purpose of selling contraband Ganja, the police authorities intercepted them and on being the search made, 3 Kg of Ganja from applicant No.1 Samsher Khan and 2 Kg of Ganja from applicant No.2 Mohd.

Shakeel was seized and thereafter the offence was registered and the charge sheet has been filed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they have not committed any offence and the seizure is also not properly made by the police. Therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the evidence available in the record and considering the seizure made, without any observation on merit, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge