

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6396 of 2016

1. Manmohan Buda, S/o. Haru Buda, Aged About 29 Years, Occupation Labour, Agriculture.
2. Manoranjan Mahandiya, S/o. Damodar Mahanadiya, Aged About 25 Years, Occupation Labour, Agriculture.

Both R/o. Village Gamharidih, Police Station Lefripada, District Sundargarh, Oddisa

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.10.2016

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.340/2016 registered at Police Station- Kotwali, District Raigarh (C.G.) for the offence punishable under Section 20(b)(ii)(B) of NDPS Act.
2. As per the prosecution case, on 08.06.2016 on a raid being conducted in the Bus Stand, from the possession of the applicant No.1 Manmohan, 2.693 Kg of Cannabis and from the possession of the applicant No.2 Manoranjan, 1.950 Kg of Cannabis were recovered; thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and seizure of the Cannabis were not made in person from the present applicants, but it was seized in the public place. He further submits that the seizure has already been

made and no further investigation is necessary, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, specially taking into the quantity of seized Cannabis from the applicants and further taking into fact that the charge sheet has been filed and no further investigation is required, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge