

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5585 of 2017**

1. Anil Kosre S/o Late Ram Khilavan Kosre Aged About 23 Years
R/o Ward No. 9, Infront Of Alpana Talkies, Police Station- Gobra
Nawapara, District (Revenue And Civil)- Raipur, Chhattisgarh.
2. Mithlesh Tandon S/o Shri Santu Tandon Aged About 21 Years
R/o Ward No. 9, Infront Of Alpana Talkies, Police Station- Gobra
Nawapara, District (Revenue And Civil)- Raipur, Chhattisgarh.
3. Laxman Banjare S/o Shri Santram Banjare Aged About 23 Years
R/o Ward No. 9, Infront Of Alpana Talkies, Police Station- Gobra
Nawapara, District (Revenue And Civil)- Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station- Mainpur, District Gariaband, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Yogesh C. Pandey, Advocate.
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.09.2017**

1. Heard the matter finally.
2. Learned counsel for the applicants would submits all
the applicants have been arrested in connection with Crime
No. 68/2017, on 02.08.2017, Police Station Mainpur, Civil
District- Raipur, C.G., for the offence under Section 20 (b) (ii)
(B) of the Narcotics Drugs and Psychotropic Substance Act,

1985 (for short 'the NDPS Act').

3. Learned counsel for the applicants would submit that after investigation police had filed charge-sheet against all the three applicants, which is pending before Special Judge under the NDPS Act, Raipur, C.G., as Special Criminal Case (NDPS Act) No. 266/17. Learned counsel for the applicant would submit all the applicants are first offenders, the applicants are the permanent residence of Civil District Raipur, C.G., and as per allegation all the three applicants were caught when they were in a motorcycle bearing registration No. CG 04 LX 9683, in the Dicky of said motorcycle 1.650 kg ganja was kept which was seized from the applicant A-1. The said ganja was in the conscious possession of all the three applicants, they will not commit any offence in future as the trial may take some time for its conclusion, they may be enlarged on bail till trial.
4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants and would submit that all the three applicants were carrying 1 kg 650 grm ganja, hence the instant MCRC may be dismissed.
5. Perused the entire material.
6. As all the applicants are in custody since 1 months 23 days till date, charge-sheet has been filed, trial may take some time, there is no any criminal antecedents of any of the applicants and looking to the facts that ganja so seized from

the joint and conscious possession of all the applicants and considering that they were carrying 650 gm more than the small quantity also as the applicants have not criminal past, I am inclined to grant one opportunity to the applicant so that they shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is hereby dismissed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 30,000/- each with one solvent surety of like sum amount to the satisfaction of Trial Judge C.G., for their appearance before the said Court as and when directed.
9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
10. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Mainpur,

Civil District Raipur, C.G., on every 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remain absent without any cogent reason and proper reason as directed, the bail granted to applicants shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

11. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge