

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1680 of 2017**

1. Rajesh Bhagat S/o Late Shri Nandlal Bhagat, Aged About 38 Years R/o Village Fatehpur, Khudmas Police Station - Raghobpur, Ward No. 14, Tehsil Hajipur, District- Vaishali -Bihar
2. Mahadev Bhagat S/o Late Shri Nandlal Bhagat, Aged About 35 Years R/o Village Fatehpur, Khudmas, Police Station Raghobpur, District Vaishali, Bihar.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Bastar, Chhattisgarh.

---- Respondent

For Applicants	: Smt. Seema Singh, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.04/2016 registered in Police Station Nagarnar, Bastar at Jagdalpur (CG) for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. Learned counsel for the applicants submits that the applicants have been arrested on 12.01.2016, after investigation, concerned police has filed charge sheet against total eight accused persons including present applicants which is pending

before Special Judge under NDPS Act, Jagdalpur as Special Criminal Case NDPS No.14/16. Learned counsel for the applicants would submit that the applicants are falsely implicated, they are in custody since 12.01.2016, hence they may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicants and would submit that from all the eight accused persons during investigation police has seized total 177.655 kg ganja, when they were travelling in a bus bearing registration No.CG 07 NA 7722. Ganja was also seized from present applicants, and bail petition of co-accused Naveen Gop has already been dismissed by this court in M.Cr.C. No.3213/17.

5. Perused the entire material.

6. On due consideration of the entire facts, considering the quantity of ganja so seized from both the applicants, they are the resident of Distrcit Vaishali, Bihar, they were not in a position to demonstrate their presence at the spot, I am not inclined to grant bail to the applicants.

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

Sd/-
(Chandra Bhushan Bajpai)
JUDGE