

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3697 of 2017

- Hari Prasad Mangali S/o Mr. Bhuvan Mohan Mangali, Aged About 25 Years, R/o Magali Para, Ward No. 10, Police Station Kotpad, Korapur, Odisha.
- Duryodhan Nag S/o Mr. Chandan Nag, Aged About 23 Years, R/o Nawaguda, Police Station, Jharigaon, District Navrangpur, Odisha.

---- Applicants

Versus

- State Of Chhattisgarh through the Police Station, Farasgaon, Kondagaon, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants were arrested on 11-12-2014 in connection with Crime No.139/14 registered at P.S. Farasgaon, District Kondagaon, C.G. for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act').

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 11-12-2014, almost 3 years is going to complete. It is also submitted that independent witnesses of search and seizure have turned hostile before the trial Court. Trial of the case is likely to take some time. Hence, it is prayed that the applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that looking to the quantity of the

contraband seized from the applicants and one another co-accused, they are not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Facts of the case are these that on 11-12-2014 police personnel of P.S. Farasgaon searched the applicants and one co-accused who were present in Borgaon and 7.100 Kg. Ganja recovered and seized separately from each of the applicants and the juvenile co-accused namely Babulal Mudali. Offence was registered and after completion of the investigation the case is before the trial Court.

6. Considering the submissions made and the contents of the case diary and looking to this fact that detention of the applicants is going to complete three years within a few days and also taking into consideration progress of the trial against the applicants, I am of this view that this is a fit case where the applicants should be benefited with grant of bail.

7. Consequently, the application (MCRC No.3697/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge