

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 443 of 2018

1. Ghanshyamdas Bairagi S/o Shri Dhananjaydas Bairagi, Aged About 25 Years, R/o Village Kendudongri, P S Koksara, District Kalahandi Orissa , Orissa
2. Hemant Nayak, S/o Shri Dashrath Maher, Aged About 32 Years, R/o Village Kendudongri, P S Koksara, District Kalahandi Orissa , District : Kalahandi, Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through P.S Ganj, District Raipur, Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicants – Ms. Arpana Singh, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 24-07-2017 in connection with Crime No.275/2017 registered at P.S. Ganj, District Raipur, Chhattisgarh for the offence under Section 20(B) of N.D.P.S. Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The contraband that has been seized in this case was not in possession of these applicants. They are in custody since 24-07-2017. Charge sheet has been filed after completion of the investigation and the trial is still pending against these applicants. Hence, they may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident, on a search made by P.S. Ganj, 4.100 kg. Ganja

was seized from applicant No.1 and 5.200 kg. Ganja was seized from applicant No.2, on that basis the case has been registered against these applicants.

6. Considered on the submissions made and the contents of the case diary.

7. As the charge sheet has been filed and the trial against these applicants is not completed till date, hence, looking to the time which is required for completion of the trial, I am of this view that the applicants deserve to be released on bail during pendency of the trial against them.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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 surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge