

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 87 of 2018

Trilok Nirmalkar, S/o. Devnath Nirmalkar, Aged About 21 Years, R/o. Sakin Godpara Near Gaura Chowk Chandi Mandir Thana Durg, District -Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District- Durg Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 1326 of 2018

Rupesh Kumar Sahu, S/o. Topuram Sahu, Aged About 27 Years, R/o.- Aamapara Baghera, Near Patel Kirana Store, P.S. Pulgao, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District -Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. K.K. Dwivedi & Mr. Avinash Chand Sahu, Advocates
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/03/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.393/2017, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.) for the offence punishable under Section 21 (B) and 27 (A) of NDPS Act.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material present in the charge-sheet. Applicants are in jail since 12.09.2017 and they are ready to abide by all the conditions imposed while enlarging them on bail, charge-sheet in this case has been filed before the concerned Court and trial against them is likely to take sometime for its conclusion, hence it is prayed that the applicants be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that more than small quantity and less than commercial quantity of brown sugar or derivative of diacetylmorphine has been recovered from the possession of the applicant – Rupesh Kumar Sahu, whereas, the applicant Trilok Nirmalkar and co-accused Lokesh were the persons, who provided the applicant with the said material to sell it out

and bring back the money obtained from the said sale. Hence, both the applicants are not entitled for grant of bail.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. On the date of incident, police personnel of police Station – Mohannagar, searched the applicant – Rupesh Kumar Sahu and found in his possession 30 packets containing brown sugar in total 24.390 grams. In his memorandum, applicant Rupesh stated about the name of co-accused Lokesh Aameshar and another co-accused Trilok Nirmalkar that, they were the person who had provided the said material seized from him on that basis case has been registered against applicants and one another.
7. Considered the submissions made and the contents of the case diary. Considering on the material present in the case diary and further considering the fact that one of the co-accused Lokesh Amesar has been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C. No.6591/2017 vide order dated 08.12.2017, applicant Trilok Nirmalkar has a similar case. Whereas on the basis of the statement given on memorandum by the applicant Rupesh Kumar Sahu, it appears that he has been used by other co-accused persons. As both the applicants are residents of District- Durg and trial against them are likely to take sometime for its conclusion, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram