

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 712 of 2018

1. Santosh Kumar Sinha And Anr. S/o Mahesh Kumar Sinha Aged About 18 Years R/o Village Ratum, Police Station Patewa, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
2. Sundarlal S/o Jailal Aged About 19 Years R/o Village Ratum, Police Station Patewa, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patewa, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants : Mr. Vikas Pradhan, Advocate.

For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/04/2018

1. This is the Second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants. His first bail application has dismissed as withdrawn. Applicants have been arrested in connection with Crime No.40/2017 registered at Police Station– Patewa, District– Mahasamund(C.G.) for the offence punishable under Section 20(b) of Narcotic Drugs Psychotropic Substances Act.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 13.3.2017. The trial against them has still not concluded.

No case is made out against these applicants. Hence, it is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident on 13.3.2017 on a search made by the police personnel of PS-Patewa, applicants were found in joint possession of 8 kg ganja the narcotic substance, which was seized while they were transporting the same on a motorcycle and case was registered against these applicants. Hence, this case.
6. Considering on the nature of offence committed and as the case is presently before the trial Court. The trial against these applicants has still not concluded, more than one year has elapsed. Applicants are local residents of District-Mahasamund and their availability before the trial Court shall not be compromised if they are enlarged on regular bail, for this reason, I am of this view that this is a fit case where applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge