

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6370 of 2017**

1. Prakash Sahu @ Sonu S/o Chainu Ram Sahu Aged About 20 Years R/o Sahu Para, Nagar Panchayat Tumgaon Police Station Tumgaon District Mahasamund Chhattisgarh.
2. Savan Yadav @ Bunt S/o Dilip Yadav Aged About 21 Years R/o Sahu Para Nagar Panchayat Tumgaon Police Station Tumgaon District Mahasamund Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Gudhiyari District Raipur Chhattisgarh.

---- Respondent

For the Applicants : Shri Devershi Thakur, Advocate.
 For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.01.2018**

Heard.

1. This is 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. 232 of 2017, registered at Police Station Gudhiyari, District Raipur, Chhattisgarh for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 15.09.2017 and the applicants have been falsely implicated in this case. The applicants have no criminal antecedents. On the basis of the

material available in this case, no case is made out against the applicants. The applicants are local residents of District Mahasamund and they are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant was found in possession of 2 kg 100 gm of ganja (narcotic substance) and the offence is grave in nature. Hence, the applicants are not entitled for grant of bail.

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

5. As per the case against the applicants, 2 kg 100 gm of ganja was seized from their possession when they were searched by the police personnel of police station Gudhiyari on the date of incident and on the basis of which, the offence has been registered against them.

6. Considering the submissions and the contents of the case-diary, the trial against the applicants is likely to take sometime for its final disposal, the applicants have no criminal antecedents and the applicants are local residents of District Mahasamund, this application deserves to be allowed.

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

8. 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 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