

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6907 of 2017

- Pushpa Tripathi W/o Jaynarayan Tripathi Aged About 45 Years R/o Rampurawa, Police Station Shrirampur, District Chitrakut (U. P.) At Present R/o Ramayan Chowk, Chaantidih, Police Station Sarkanda District Bilaspur Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station Sarkanda District Bilaspur Chhattisgarh.

---- Respondent

And

MCRC No. 7025 Of 2017

- Kamlesh Banjare S/o Jagarnath Banjare Aged About 27 Years R/o Sarsiva, Tehsil Bilaigarh, District Balodabazar Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through The Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. P.P. Sahu and Mr. Shailendra Dubey,
Advocates.
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/01/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications are first bail applications of the above

applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No. 566/2017, registered at Police Station-Sarkanda, District – Bilaspur(C.G.) for the offence punishable under Section 20 (b) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

3. Learned counsel for the applicants submits that applicants are innocent and they have been falsely implicated in this case. Applicants are in jail since 14.8.2017. Allegedly 2.850 kg has been recovered from the possession of applicant-Pushpa Tripathi, whereas she had no knowledge that the bag containing contraband is lying in the car and she was simply travelling in the said car.

Learned counsel for applicant Kamlesh Banjare submits, that applicant was a driver of that vehicle and no contraband has been seized from his possession. He has been falsely roped in this case only for the reason that he had accompanied the accused persons. He is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicants be enlarged on bail.

4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. Upon receipt of a secret information, the police personnel of PS-Sarkanda stopped the car bearing registration No.CG-22G-5683 and on search being made, applicant Pushpa Tripathi was found in possession of 2.850 kg ganja whereas co-accused Shivdayal Tripathi was found in possession 3.80 kg of ganja. After completion of all the

formalities, the case has been registered and charge-sheet has been filed on completion of investigation.

7. Considered the submissions made and the contents of the case diary. Taking into consideration all the material on record and the case, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are 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 trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge