

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7276 of 2017

1. Harishankar Nagwanshi S/o Fullu Nagwanshi, Aged About 52 Years R/o Paraswada, Police Station Bankhedi, District Hoshangabad Madhya Pradesh.
2. Setilal Choudhari S/o Gulabram Choudhari, Aged About 42 Years R/o Paraswada, Police Station Bankhedi, District Hoshangabad Madhya Pradesh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Yogeshwar Sharma, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.37/2017, registered at Police Station- Pithora, 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. The case has

been investigated and charge-sheet has been filed. Applicants are in jail since 27.2.2017. No case is made out against them on the basis of material placed in the charge-sheet. Applicants are ready to abide by all the conditions imposed for grant of bail, 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. It is submitted that applicants are not a local residents and the trial may also be affected. A total of 8 kg of ganja has been seized from the possession of the applicants/accused persons. The FSL has also confirmed the seized article to be ganja the narcotic substance, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Brief facts of the case are these, that on receiving a secret information the police personnel of PS-Pithora searched the applicants and 8 packets contains 8 kg ganjawere found in the possession of the applicants. On opening the packets and verifying, it was found that packets contained narcotic substance ganja, thereafter, the case has been registered against the applicants, in which, the charge-sheet has been filed after completion of investigation.
6. Considering the submissions made, contents of the case diary and looking to these facts that the applicants are in jail since 27.2.2017. Their appearance before the Court below can be ensured by imposing the conditions. For these reasons, I am of this view that this is a fit case where the applicants should be enlarged on 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 his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha