

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1623 of 2018

Virendra Rajput (wrongly mentioned as Birendra Rajput), aged about 33 years
S/o Late Mannu Singh Rajput, R/o Asra, Police Station- Panduka, District-
Gariyaband (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station- Panduka,
District- Gariyaband (C.G.).

---- Respondent

AND

MCRC No. 1734 of 2018

Prakash Soni, aged about 20 years, S/o Rajendra Soni R/o Nayapara, Somwari
Bazar, Police Station- Gobra Nayapara, District- Raipur.

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station- Panduka,
District- Gariyaband (C.G.).

---- Respondent

For Applicants	:	Mr. J.K. Gupta, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

18/04/2018

1. Heard.
2. Since both the cases arise out of same Crime number, therefore, they

are being disposed of by this common order.

3. The applicants have preferred first bail application (in both the cases) under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 124/2017 registered at Police Station- Panduka, District- Gariyaband (C.G.) for the offence punishable under Section 20 (b) of the NDPS Act, 1985.
4. As per prosecution story it is alleged that on 19/12/2017, on an information received from the informant, the police party went to the spot and stopped the vehicle bearing registration nos. CG04-C-2584 & CG04-DG-0361 and recovered 1.9 kg cannabis from the possession of applicant- Virendra and 2.4 kg cannabis from the possession of applicant- Prakash Soni. The applicants were arrested on 19/12/2017.
5. Learned counsel appearing on behalf of the applicants submits that the quantity so recovered from the applicants does not come under the purview of commercial quantity. He further submits the applicants are in jail since 19/12/2017, charge-sheet has already been filed and the trial will likely to take some time to conclude, therefore, they may be released on bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned counsel for both the parties.
8. Considering the facts and circumstances of the case, particularly considering that the quantity so recovered from the possession does not come under the purview of commercial quantity, charge-sheet has

already been filed, the applicants are in custody since 19/12/2017 and the trial will likely to take some time, without further commenting on merit of the case, this court is inclined to release the applicants on bail.

9. Accordingly, MCRC. No. 1623/2018 & MCRC No. 1734/2018 are allowed.
10. It is directed that the applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 25,000/- with one surety each to the satisfaction of the trial Court. Thereafter, they will appear before the Trial Court on each and every date as are given to them by the said Court in this regard.

**Sd/-
Judge
Arvind Singh Chandel**