

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2382 of 2018

1. Shankar Singh Negi S/o Rajendra Singh Negi, aged about 26 years, R/o Village- Chhaproula, Thana- Kavinagar District- Gajiyabad (U.P.).
2. Kumud Kasyap S/o Rajendra Kasyap, aged about 24 years, R/o Village Gali No. 2 Rahul Vihar, Thana- Vijaynagar, Gajiyabad, District- Gajiyabad (U.P.).

---- Applicants

Versus

State of Chhattisgarh through Station House Officer, Police Station- Mahasamund, District- Mahasamund (C.G.).

---- Respondent

AND

MCRC No. 3266 of 2018

Satish Ray S/o Manoj Ray, aged about 25 years, resident of Village Gali No. 6, Rahul Vihar, Thana Vijaynagar, Gajiyabad, District- Gajiyabad.

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station- Mahasamund, District- Mahasamund (C.G.).

---- Respondent

For Applicants:	Mr. Vikash Pradhan, Advocate.
For Respondent :	Mr. UKS Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/05/2018

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 cases)

under Section 439 of the Cr.P.C for grant of regular bails as they are arrested in connection with Crime No. 94/2018 registered at Police Station- Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Section 20 (b) of the NDPS Act.

4. As per prosecution story it is alleged that on 18/02/2018, Hyundai vehicle bearing no. DL3 CAB 2943 was searched. The present applicants along with co-accused Jaiprakash were present in the said vehicle and total 29.3 kg of Ganja was found in the 'Dikki' of the said vehicle, which was seized from the joint possession of the applicants and co-accused- Jaiprakash. The applicants were arrested on 18/02/2018.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. They had no knowledge that there was Ganja in the Dikki of the vehicle. He further submits that mandatory provisions of NDPS have not been complied with, the applicants are in custody since 18/02/2018, the trial will likely to take some and the Ganja so seized does not come under the purview of commercial quantity, therefore, 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, the fact that charge-sheet has already been filed, the applicants are in custody since 18/02/2018 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. Nos. 2382 and 3266 of 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**

Rahul