

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2459 of 2018**

1. Lingraj S/o Ramkrishn @ Ramkristo Aged About 55 Years R/o- Village Litiyapur, Thana And District- Bargard (Odisha).
2. Kamalkant Raul S/o Shambhunath Raul Aged About 38 Years R/o- Village Bilyapal, Thana- Baliyapal, District- Baleshwar (Odisha).

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
 For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2018**

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.47 of 2018, registered at Police Station – Basna, District – Mahasamund, 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 25.01.2018 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.

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 applicants were found in possession of 4 kg 600 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, 4 kg 600 gm of ganja was seized from their possession when they were searched by the police personnel of police station Basna, District Mahasamund 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 and the applicants have no criminal antecedents, 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 surety in the like sum to the satisfaction of the concerned trial Court, for their

appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi