

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2798 of 2018

- Akhil Kumar Raut S/o Bhejmana Raut Aged About 38 Years R/o Village Karogaon, Police Station Pathagarh District Cuttak Odissa, District : Cuttack, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Of Police Station Sirgitti, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

&

MCRC No. 4125 of 2018

- Suresh Das Manikpuri S/o Late Balakdas Aged About 59 Years (Wrongly Mentioned As 50 Years In Certified Copy Of Order) R/o Devrikhurd Housing Board Colony, Ward No. 09, Police Station Torwa, Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Govind Dewangan, Advocate in MCRC No.2798/2018.
		Mr. Dashrath Kushwaha, Advocate in MCRC No.4125/2018.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both the applications are applicant's 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.392/2017, registered at Police Station – Sirgitti, Bilaspur, District– Bilaspur(C.G.) for the offence punishable under Section 20(b)(ii-c) of the Narcotic Drugs and Psychotropic Substances Act, 1885.
3. Learned counsel for the applicant Akhil Kumar Raut in MCRC No.2798/2018 submits that he was employed as a Driver by the owner of the car and the contraband that was found in the car was belonging to the passengers of the vehicle, hence, this applicant has been falsely implicated in this case. Therefore, it is prayed that he may be released on regular bail.
4. Learned counsel for the applicant Suresh Das Manikpuri in MCRC No.4125/2018, it is submitted that he had simply taken a lift in a car to reach his destination in Devrikhurd, he had no knowledge about transport of contraband in that car and he is a resident of Bilaspur, whereas rest of the co-accused are residents of Odisha, apart from that he is also railway servant. Hence, it is prayed that he may be enlarged on regular bail.
5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the contraband ganja was seized in this case is commercial quantity, hence, it is prayed that the

application be rejected.

6. Heard both the parties and perused the case diary.
7. On a search made by the police personnel of PS-Sirgitti, District-Bilaspur, 40 kg ganja the narcotic substance was found to be transported by these applicants in his car which was seized from their joint possession. Hence, this case.
8. After considering on all the material present in the case diary and the argument submitted on behalf of both the applicants, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
9. 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge