

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4340 of 2018**

1. Chand Mohammad, S/o. Vali Mohammad, Aged About 20 Years, R/o.- House No. 248, Uncha Siddik Nagar, P.S.- Lisadi Gate, District- Meruth (U.P.).
2. Chand Mohammad, S/o.- Ramzani, Aged About 28 Years, R/o. A/2-173, JJ Colony Malswa Samaypur, South Delhi, (New Delhi).

---- Applicants**Versus**

State Of Chhattisgarh, Through- P.S.- Sihava, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate
 For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/07/2018**

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.30/2018, registered at Police Station- Sihava, District – Dhamtari (C.G.) for the offence punishable under Section 20 (B) (2) (c) of N.D.P.S. Act and 420 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since

27.02.2018. Joint seizure of 30 Kg. contraband Ganja has been made, which if divided then share falling of the contraband in possession of the applicants would be less than in commercial quantity. The applicants are ready to abide by all the conditions which may be imposed while enlarging them on bail. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted both the applicants are residents of Delhi, hence, in case they are released on bail, they shall not be available for trial that shall affect the progress of the trial. Further the contraband seized is of commercial quantity. Hence, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Police personnel of Police Station Sihava, District – Dhamtari stopped and searched the vehicle occupied by both the applicants and 30 Kg. Ganja was recovered and seized from that vehicle. Joint seizure memo was prepared with respect to these applicants. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default committed by the applicants, the order shall stand automatically canceled.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge