

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4655 of 2018**

1. Rinku Badhai And Anr. S/o Santosh Badhai Aged About 25 Years R/o- Village Singodi, Thana- Vijaygarh, District- Katni (M.P.), District : Katni *, Madhya Pradesh
2. Ramanand S/o Fagulal Kushwaha Aged About 35 Years R/o- Village Manikpur, Thana- Nagaur, District- Satna, (M.P.), District : Satna, Madhya Pradesh

---- 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 Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2018**

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.442 of 2018, registered at Police Station – Basna, District – Mahasamund, Chhattisgarh for the offence punishable under Section 20(b)(11)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants are in jail since 2.9.2017 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. After filing of charge-sheet, trial has commenced and the independent witnesses of the seizure and other procedure have been examined who turned hostile and not supported the case of the prosecution. Similarly placed co-accused – Ankit Gupta has been granted bail by this Court in M.Cr.C. No. 2915 of 2018, vide order dated 28.06.2018. 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.

4. Heard counsel for both the parties and perused the case diary.

5. On a search made by the police personnel of P.S. Basna, District Mahasamund in a car bearing registration No. M.P.21-E-0135, 50 kg of ganja (narcotic substance) was recovered and seized from the applicants. Applicant No.1 – Rinku Badhai was the driver of the car and applicant No.2 – Ramanand was traveling in a same car. Hence, this case.

6. Considering the submissions and the contents of the case-diary, co-accused – Ankit Gupta has been granted bail by this Court in M.Cr.C. No.2915 of 2018 vide order dated 28.6.2018 and the trial of the case is likely to take some time for its final disposal, hence, the 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