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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4625 of 2018**

1. Shubham Sharma S/o Ravindra Sharma Aged About 20 Years Student Of B.E. R/o- Kosta Raitrahara, P.S.- Sman, District- Rewa, (M.P.), District : Rewa, Madhya Pradesh
2. Ashish Mishra S/o Saroj Kumar Mishra Aged About 21 Years Student Of B.E., R/o- Chital Gaon, P.S.- Laigadhi, District- Rewa, M.P., District : Rewa, Madhya Pradesh

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Sariya, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicants : Shri Awadh Tripathi, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, 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.83 of 2018, registered at Police Station – Sariya, District – Raigarh, 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 1.4.2018 and have been falsely implicated in this case. The vehicle that was searched and seized in fact belonged to one Prince Sen who had

absconded from the spot before seizure by the police. These applicants had in fact accompanied the person named Prince Sen to Jagannath Puri for darshan and were coming back. They had no knowledge about the contraband which was kept in the car. Both the applicants are students of Bachelor of Engineering in Jawaharlal Nehru College of Technology, Rewa and they have no connection with the offence committed. 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 huge quantity of contraband was recovered from the possession of the applicants. Hence, for these reasons, the applicants are not entitled for bail.

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

5. On 1.4.2018, the police personnel of P.S. Sariya, District Raigarh stopped the car bearing registration No. M.P.-17CA-1678, which was occupied by both the applicants and the dicky of the car contained 80 kg of ganja (narcotic substance), which was seized from the possession of both the applicants. Hence, this case.

6. Considering the entire material present in the case-diary; looking to the pendency of the case before the trial Court and also taking into consideration the fact that these applicants are students of B.E. in a Government College, I am of the considered view that in this case the applicants deserve to be enlarged on bail.

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