

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5154 of 2018**

1. Kaushik Sahu S/o Lal Bahadur Sahu Aged About 24 Years R/o Village Parsauda Police Station Jharband District Bargah Orissa.
2. Jitendra Bhaskar S/o Late Shri Radhe Bhaskar Aged About 23 Years R/o Village Sasaha, Police Station Pamgarh District Janjgir Champa Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Non-applicant

For Applicants : Shri Dharmesh Shrivastava, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 361/2017 registered at Police Station – Saraipali, District - Mahasamund (C.G.) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act.
3. Case of the prosecution, in brief is that on 11.11.2017, ASI Harish Chandra Dwivedi, Police Station – Saraipali seized 27 Kg Ganja from the applicants in village Toresinha Main Road.
4. Learned counsel for the applicants argued that the witnesses of

alleged memorandum seizure and weight panchnama have turned hostile, they have been falsely implicated in the case, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. The effect of becoming hostile of the aforesaid witnesses may be considered at the time of final disposal of the case.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the quantity of the seized contraband, looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.

8. Consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE