

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5178 of 2018**

1. Dhanurjay Harijan S/o Mahadev Harijan Aged About 25 Years R/o Hat Kukhi Gumar Police Station Vyapariguda, District Koraput Orissa.
2. Lakki Harijan S/o Hari Harijan Aged About 19 Years R/o Hanaguda, District Koraput, Orissa.

---- Applicants**Versus**

State of Chhattisgarh through Officer -In Charge Police Station
Nagarnar, District Bastar CG

---- Non-applicants

For applicant	Mr. Ashish Bek, Adv.
For Respondent/State	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 101/2016 registered in police station Nagarnar, Distt. Bastar (CG) for offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. Prosecution story in brief is that on 31-5-2016, police of police station Nagarnar seized 4.900 kg cannabis from applicant No. 1 Dhanurjay Harijan and 5.00 kg cannabis from applicant No. 2 Lakki Harijan.
4. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However he submits that no criminal antecedent of the applicants is reported in police case diary.

6. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the application is allowed. It is ordered that if each applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge