

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5087 of 2018**

1. Prabhu Goutam S/o Dhanpal Goutam Aged About 29 Years R/o Village Phulpur Tola , Thana- Gondia City, District Gondia (Maharashtra), District : Gondiya *, Maharashtra
2. Sunil Chute S/o Maniram Chute Aged About 36 Years R/o Village Phulpur Tola , Thana- Gondia City, District Gondia (Maharashtra)

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.08.2018**

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.284 of 2017, 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 03.07.2017 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. The case is pending before the concerned

Court and so far, the trial has made no progress and also not a single witness has been examined. 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 the applicants are resident of Maharashtra and if they are released on bail they may not be available for the trial. 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 the date of incident, on a search made by the police personnel of P.S. Basna, District Mahasamund, 32 kg of ganja (narcotic substance) was recovered while they were travelling in a car. Hence, this case.

6. Considered the material present in the case-diary. Taking into consideration the facts that the trial against the applicants is pending since more than one year and the applicants are languishing in jail without any fault on their part, hence, I am of the considered view that no purpose would be served in keeping the applicants in detention for the whole period of trial, 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

Nimmi