

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5090 of 2018

1. Gajendra Singh S/o Amar Singh Aged About 35 Years R/o Village Laluni, Waha Thana Kheda Rathaur, District Agra U. P., District : Agra, Uttar Pradesh
2. Gadesh Singh S/o Mahesh Singh Aged About 21 Years R/o Naglatuli, Thana Naglakhengar District Firozabad U. P., District : Firozabad, Uttar Pradesh
3. Sunil Kumar S/o Rajendra Singh Aged About 22 Years R/o Village Malputhar, Thana Sirsaganj, District Firozabad U.P., District : Firozabad, Uttar Pradesh
4. Bakebihari Gupta S/o Rajkumar Gupta Aged About 23 Years R/o Village Sirsakhas, Thana Sirsaganj, District Firozabad U. P., District : Firozabad, Uttar Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Komakhan District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Vikash Pradhan, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

1. This is the second bail application of these applicants. Their first bail application filed under Section 439 of Code of Criminal Procedure, 1973 was dismissed for want of prosecution in MCRC No.2058/2018

vide order dated 4.5.2018.

2. This 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.16/2018 registered at Police Station– Komakhan, District– Mahasamund(C.G.) for the offence punishable under Section 20B of Narcotic Drugs Psychotropic Substances Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 30.1.2018. No case is made out against them. The case is pending against them for trial and so far not a single witness has been examined. Applicants are languishing in jail without there being any fault on their part. Hence, it is prayed that applicants be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicants are residents of District- Uttar Pradesh, if they are released on regular bail they may not be available for trial, which will hamper the proceeding of trial, hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. On a search made by police personnel of PS-Komakhan, District- Mahasamund in the car in which the applicants were traveling 25 kg ganja the narcotic substance was found concealed under the seats of the said car. Joint seizure has been made from all the applicants. Hence, this case.
7. Considered on the entire material present in the case diary, looking to the pendency of the case before the trial Court against the applicants, I

am of this view that this is a fit case where applicants should be released on regular bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one local surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha