NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5362 of 2018

1. Brijesh Kumar Sant S/o Banwar Lal Sant, aged about 26 years, R/o Village- Chapani, Near Lake, Post- Jhilang, PS- Rajendragram, District- Annupur, M.P.
2. Kailash Singh, S/o Late Mohitshyam, aged about 30 years R/o Village- Pipraha, Near Bajrang Bali Temple, Post- Umaniya, PS- Rajendragram, District- Annupur, M.P.

--- Applicant

Versus

State of Chhattisgarh, Through : Police Station- Kondagaon, District- Kondagaon (C.G.).

---- Respondent

For Applicant : Mr. Shobhit Koshta, Advocate
For Respondent : Mr. S.R.J. Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20/08/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 77/2016 registered at Police Station- Kondagaon, District- Kondagaon (C.G.) for the offence punishable under Section 20 B (ii) (c) of the NDPS Act.

2. As per prosecution story on 07/04/2016 on the basis of information received from the informant, one Scorpio Car which had no number place, was searched by the police. In the said car, both the applicants and other co-accused Banwarilal Gupta and Ram Narayan Gupta were present.

Total 40.8 Kg of Ganja was found in the said car, which was being transported. The said Ganja was seized from the joint possession of the applicant. The applicant was arrested on 07/04/2016.

3. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case. They are innocent. The applicants had no knowledge that there was Ganja in the vehicle. They are in custody since 07/04/2016. Other co-accused Banwari Lal Gupta and Ramnarayan Gupta have already been granted bail by the coordinate bench of this Court in MCRC No. 4018/2018 vide order dated 04/07/2018. He further submits that the witnesses of the search and seizure have already been examined before the trial Court and they have not supported the case of the prosecution. He prays for releasing of the applicant on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.

5. I have heard learned counsel for both the parties.

6. Considering the above facts and circumstances of the case, particularly considering the fact that other co-accused Banwari Lal Gupta and Ramnarayan Gupta have already been granted bail by the coordinate bench of this Court in MCRC No. 4018/2018 vide order dated 04/07/2018 and the case of the present applicant is of similar nature, without further commenting on merit of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one surety each for the like amount to the satisfaction of the trial Court for their appearance before the said Court, as and when directed by the said Court.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul