

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5623 of 2018

1. Monia @ Punia Lohar W/o Bana Lohar Aged About 45 Years, R/o- Village- Kalka, P.S. Panjour, Tahsil and District- Pran Panchkula (Haryana), District : Panchkula, Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Telibandha, Raipur, District-Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 5624 of 2018

1. Veeru Lohar S/o Bharna Lohar, Aged About 22 Years, R/o- Village- Kalka, P.S. Panjour, Tahsil and District- Pran Panchkula (Haryana), District : Panchkula, Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Telibandha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 5813 of 2018

1. Fulia Lohar W/o Ramu Lohar, Aged About 39 Years, R/o Village Kalka, P. S. Panjour, Tahsil And District Pran Panchkula Haryana, District : Panchkula, Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Telibandha Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 5815 of 2018

1. Samtarin Lohar W/o Ramkumar Lohar, Aged About 35 Years, R/o Village Kalka, P. S. Panjour, Tahsil And District Pran Panchkula Haryana, District : Panchkula, Haryana

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Telibandha Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Mr. C.R.Sahu, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-08-2018

1. As these four applications arise out of the same crime number, i.e., Crime No.233/2017 registered at P.S. Telibandha, Raipur, District Raipur, Chhattisgarh for the offence under Section 20(B) of Narcotic Drugs & Psychotropic Substances Act, they are decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have been arrested on 14-06-2017 in connection with aforesaid crime number and offence.
3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 14-06-2017. No case is made out against them. The trial against them is getting delayed, so far only two witnesses have been examined out of 14 witnesses and the applicants are languishing in jail since more than one year without any fault on their part. Hence, it is prayed that looking to the delay in trial, the applicants may be released on bail.
4. Learned counsel for the State/non-applicant opposes the applications submitting that all the applicants are residents of Haryana State, if they are released on bail, they may not be available for trial. Hence, the applications may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. On the date of incident police personnel of P.S. Telibandha, Raipur, District Raipur seized cannabis 14 kg. from Monia @ Punia Lohar (applicant in MCRC No.5623/2018), 16 kg. from Fulia Lohar (applicant in MCRC No.5813/2018), 16 kg. from Veeru Lohar (applicant in MCRC No.5624/2018)

and 10 kg. from Samtarin Lohar (applicant in MCRC No.5815/2018) while they were traveling in a bus. Hence, this case.

7. Considered on the material present in the case diary. As it appears that the trial against these applicants is getting prolonged and the applicants are in jail since more than one year, further, also for the reason that similarly placed co-accused Ramu Lohar has been granted regular bail by this Court in MCRC No.4592/2018, I feel inclined to grant regular bail to all these applicants.

8. Consequently, all these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge