

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6272 of 2018**

1. Hariom Dhakad S/o Hemraj Dhakad, Caste – Kirar, aged about 31 years, R/o Village Hateri, P.S. Nainpur, Tahsil Nainpur, District Mandla (M.P.)
 2. Sanjay Suryavanshi, S/o Shir Gulab Suryavanshi Cast – Kirar, aged about 21 years, R/o Village Nainpur, P.S. Nainpur, District Mandla (M.P.)
- Applicants (in jail)**

Versus

State of Chhattisgarh, through Police Station, Bhanpuri, District Bastar (C.G.)

---- Non-applicant

For Applicants	:	Ms. Kiran Jain, Advocate.
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/08/18**

Heard.

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 117/2017 registered at Police Station Bhanpuri, District- Bastar (C.G.), for the offence punishable under Section 20-B of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act, 1985').
2. The applicants' first bail application was dismissed as withdrawn on 09.04.2018 passed in M.Cr.C. No. 210/2018.
3. Case of the prosecution, in brief, is that, about 83 Kgs of Cannabis (ganja) was seized from the possession of the present applicants.

4. Learned counsel for the applicants submits that applicants have been falsely implicated in crime in question and have not committed any offence. He further submits that the seizure witness has not supported the case of the prosecution and the trial is likely to take some time for its final disposal, and no useful purpose would be served by detaining them in jail and, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case and looking to the huge quantity of cannabis (ganja) found from the possession of the present applicants and in view of the provisions contained under Section 37(1)(b) of the NDPS Act, 1985, I do not consider it a fit case in which the applicants should be enlarged on regular bail.

8. Accordingly, the second bail application filed by the applicants under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

SD/-

(Sanjay K. Agrawal)
Judge