

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6509 of 2018**

1. Dilip Mandal, S/o. Jhodu Mandal, Aged About 40 Years, R/o.- Padamagiri M.V. 101 Tahsil P.S. and District- Malkangiri (Odisha).
2. Sujan Mandal, S/o. Haripad Mandal, Aged About 28 Years, R/o- Padamagiri M.V. 84 Tahsil P.S. And District- Malkangiri (Odisha).

---- Applicants**Versus**

State Of Chhattisgarh, Through- The Police Station -Darbha District- Bastar, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/10/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.49/2017, registered at Police Station- Darbha, District – Bastar (C.G.) for the offence punishable under Section 20 (B) of the N.D.P.S. Act.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Similarly placed co-accused persons have been enlarged on bail by this Court in M.Cr.C. No.5571/2018 vide order dated 20.08.2018. Hence, it is prayed that

the applicants may also be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. 35 Kg. Ganja was seized from the possession of these applicants and other co-accused persons, who were travelling in car by the police personnel of Police Station Darbha, District – Bastar (C.G.). Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further considering the fact that the independent witnesses of search and seizure have not supported the case of the prosecution and for the reason that similarly placed co-accused persons have been enlarged on bail by this Court, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge