

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7166 of 2018**

1. Chaindas S/o Chhedudas Panikar Aged About 65 Years R/o
Chunchuni Colony Kusmunda Tahsil Katghora District Korba CG
2. Ajay Kumar Sarthi S/o Visheshar Sarthi Aged About 25 Years R/o
Chunchuni Colony Pond Par Kusmunda Tahsil Katghora District
Korba CG

----Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Police
Station Kusmunda District Korba CG

---- Respondent

For applicants	Mr. Sanjay Pathak, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 270/2018 registered in police station Kusmunda Distt. Korba (CG) for offence punishable under Section 20(B) NDPS Act.
3. Prosecution story in brief is that on 6-9-2018 inspector Vinay Chelak police station Kusmunda seized 1.650 kg of cannabis from the possession of applicant No. 1 Chaindas and one Scooty from applicant No. 2 Ajay Kumar Sarthi.
4. Counsel for the applicant argued that the applicants are innocent and falsely implicated hence they be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that against applicant No. 1 Chaindas total six other criminal cases have also been registered out of which one relates to Excise Act and five cases relate to Cr.P.C. No criminal antecedent of the applicant

No. 2 is reported in the police case diary.

6. As regards applicant No. 1 **Chaindas**, looking to the fact that 5 other cases under Cr.P.C. and one under Excise Act are already registered against him, this Court is not inclined to grant him bail. Therefore, bail application of applicant No. 1 Chaindas is rejected.
7. As regards applicant No. 2 **Ajay Kumar Sarthi**, looking to the facts and circumstances of the case, and as trial will take its own time, his application is allowed. It is ordered that if the applicant No. 2 Ajay Kumar Sarthi furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge