

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7244 of 2018**

Arun Yadav S/o Rajendra Bahadur Aged About 24 Years R/o Village Purshivdayal Dadra, Thana Musafirpur Khana And District Amethi U. P., Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 7253 Of 2018**

Premshankar Gupta S/o Trijogi Narayan Gupta Aged About 44 Years R/o Village Purshottampur Thana Jaysingpur And District Sultanpur Uttar Pradesh, District : Sultanpur, Uttar Pradesh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Station Saraipali District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vikash Pradhan, Advocate.
For the Respondent/State	:	Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.12.2018**

1. Both these applications are decided by a common order as they arise from the similar matter. These are the second bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.393 of 2017, registered at Police Station Saraipali, District – Mahasamund, Chhattisgarh for the offence punishable under

Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicants submits that the applicants in both the cases are in jail since 7.12.2017 and they have been falsely implicated in these cases. After filing of charge-sheet, these cases have been listed for recording the evidence a number of times, but not a single witness has been examined before the Court till date. These applicants are languishing in jail without any fault on their part and there is no likelihood that the trial will be completed soon. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the huge quantity of contraband has been seized from the possession of these applicants. It is also submitted that the applicants are residents of Uttar Pradesh and their availability for the trial shall be compromised if they are released on bail. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, on a search made by the police personnel of P.S. Saraipali, District Mahasamund, 30 kg of ganja (narcotic substance) was found being transported in the car in which both these applicants were travelling. Hence, this case.

6. Considering the material present in the case-diary, the conclusion of the trial is likely to take some time for its final disposal and the informant of the offence and the investigator is the same person, I feel inclined to grant regular bail to the applicants in both the cases.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge