

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7458 of 2018

1. Dharampal Bagadiya And Ors. S/o Mesar Pal Bagadiya Aged About 30 Years R/o Babulpur, Near Mandi Station Panipat, Post Office And Police Station Panipat District Panipat Hariyana
2. Bahadur Bagadiya S/o Bhune Bagadiya Aged About 55 Years R/o Babulpur, Near Mandi Station Panipat, Post Office And Police Station Panipat District Panipat Hariyana
3. Leeluram Bagadiya S/o Shobharam Bagadiya Aged About 24 Years R/o Babulpur, Near Mandi Station Panipat, Post Office And Police Station Panipat District Panipat Hariyana
4. Smt. Munni Bagadiya W/o Late Lalsingh Bagadiya Aged About 60 Years R/o Babulpur, Near Mandi Station Panipat, Post Office And Police Station Panipat District Panipat Hariyana

---- Applicants

Versus

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

---- Respondent

For Applicants	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/11/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 436/2017, registered at Police Station – Tikrapara, District- Raipur (C.G.) for the offence punishable under Section 20 (B) of the NDPS Act.
2. As per the prosecution story, on 25.08.2017, on the basis of information received from an informant, present applicants along with other co-accused persons namely Mesar bagadiya, Smt. Roshni Bagadiya and Rekha Bagadiya have been searched by the police personnels and total 70 Kgs. of contraband *Ganja* has been seized from the joint possession of the present applicants and other co-accused persons (10 Kgs. From each), offence has

been registered and the present applicants are in custody since 25.08.2017.

3. Learned Counsel appearing on behalf of the applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that on the same facts and evidence, co-accused persons namely Mesar bagadiya, Smt. Roshni Bagadiya and Rekha Bagadiya have already granted benefit of bail by this Court vide order dated 24.08.2018 passed in M.Cr.C. No. 5487/2018, present applicants are in jail since 25.08.2017 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the co-accused persons have already granted benefit of bail by this Court, present applicants are in custody since 25.08.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on each of them executing a personal bond for a sum of Rs. 50,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge