

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7793 of 2017**

1. Ashish Sahu, S/o. Shri Biseshar Sahu @ Doctor Sahu, Aged About 20 Years, R/o. Village Padkimal, P. S. Tarbha, District Sompur, Orissa. (Father name Biseshar Sahu mention as per challan).
2. Radheshyam Khatwa, S/o. Mohan Khatwa, Aged About 20 Years, R/o. Village Rundi Mahur, Police Station - Kantamal, District Baur, Orissa.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Ganj,
District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/02/2018**

1. This is the first bail application 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.352/2017, registered at Police Station – Ganj, District – Raipur (C.G.) for the offence punishable under Section 20 (B) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material available in the charge-sheet and they are ready to abide all the conditions imposed for grant

of bail. Hence, it is prayed that the applicants, may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that both the applicants are residents of State of Orissa, hence, their availability for trial may be affected, hence, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that on the date of incident, police personnel of Police Station – Ganj, Raipur on the basis of a confidential information, searched the applicants on the spot and found the applicant No.1 carrying 7 Kg. Ganja in trolley bag and applicant No.2, 3 Kg. of Ganja in travel bag. After completing procedure, FIR has been registered and charge-sheet has been filed after completion of investigation.
6. Considered the submissions made and the contents of the case diary. As there is no criminal antecedent of both the applicants and after filing of the charge-sheet, trial against them is likely to take some time for its completion, hence for this reason, 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 the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one local surety 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

Balram