

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7886 of 2018**

1. Kartikram @ Durga Prasad, S/o Lalmani, Aged about 21 years,
 2. Rakesh Tandi, S/o Ramprasad Tandi, Aged about 20 years,
- Both R/o Village Bhukela, P.S. and Tehsil Basna, Distt. Mahasamuund (C.G.)

----Applicant**Versus**

State of Chhattisgarh- Through the Station House Officer P.S. Bana, Distt. Mahasamund (C.G.)

---- Non-applicant

For Applicant	: Shri Shailendra Dubey, Advocate.
For State	: Shri Ashish Surana, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/10/2018**

Heard.

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 374/2018 registered at Police Station – Basna, Distt. Mahasamund for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substance Act 1985.
2. Case of the prosecution, in brief, is that 3 kgs of ganja was seized from the possession of the applicants and, thereby the applicants have committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicants have not committed any offence and they have falsely been implicated in the crime in question; and even otherwise it is near to the small quantity prescribed under the law and, therefore, the applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. Taking into consideration the facts & circumstances of the case; further considering the facts that applicants are in jail since 14.09.2018; and the charge sheet is yet to be filed but substantial investigation has already been made and the fact that as per provisions contained in the DPS Act, quantity of ganja seized from the applicants is small quantity, this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

6. Accused/applicants- **Kartikram @ Durga Prasad & Rakesh Tandi** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

