

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7764 of 2017

1. Shamsheer Ali S/o Maksud Ali Aged About 38 Years R/o Village Machkhand, Police Station Seepat, Tahsil Masturi, District Bilaspur Chhattisgarh, Chhattisgarh
2. Rafiq Khan, S/o Ishhak Khan Aged About 30 Years R/o Village Machkhand, Police Station Seepat, Tahsil Masturi, District Bilaspur Chhattisgarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Vinod Tekam, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No.218/2017, registered at Police Station– Basna, District– Mahasamund(C.G.) for the offence punishable under Sections 20(B)(ii)(b) of NDPS Act.
2. Learned counsel for the applicant submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them on the basis of the material present in the charge-sheet. Applicants are in jail since 22.5.2017 and they are local residents of District-Bilaspur and they are ready to abide by all the conditions and directions, which may be imposed while granting bail to them. Hence, it

is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. From the joint possession of both the applicants 8 kg ganja has been recovered by the police personnel of PS-Basna when the applicants were transporting the contraband on a motorcycle, hence, case was registered against them.
6. Considered all the material present in the case diary as the case is pending before the trial Court and the trial has not yet concluded. Further, applicants are local residents of the locality whose availability before the trial Court shall not be compromised if they are enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge