

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.7927 of 2018

Smt.Anju Verma W/o Chain Verma Age about 35 years, Resident of Village-Awaspara Ganiyari, Police Station-Kota, District-Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through its Police Station Kota, Civil & Revenue District Bilaspur (CG)

---Non-Applicant

And

M.Cr.C.No.8024 of 2018

Chain Verma S/o Kisun Lal Verma, Age about 42 years, Resident of Village-Awaspara Ganiyari, Police Station-Kota, District-Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through its Police Station Kota, Civil & Revenue District Bilaspur (CG)

---Non-Applicant

For Applicants	:	Mr.Ravi Maheshwari,
For Non-Applicant	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

30/10/2018

1. Since the aforesaid two bail applications have been filed against the same crime number i.e., Crime No.90/2017, they are being disposed of by this common order.

2. These are the first bail applications 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.90/2017, registered at Police Station-Kota, District-Bilaspur (CG), for the offence punishable under Section 20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter

called as “the Act of 1985”).

3. Case of the prosecution, in brief, is that the applicants were found in possession of 133 kg. of ganja.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the provisions contained in the Act of 1985 have not been complied with, they are in jail since 6.4.2017 and 2.6.2018 respectively, charge-sheet has already been filed and no useful purpose will be served by detaining them in jail.

5. On the other hand, learned counsel for the State would oppose the bail applications and submit that considering the commercial quantity of ganja i.e. 133 kg. provisions contained in Section 37 (b) (ii) of the Act of 1985 would apply.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, applicability of the provisions contained in Section 37 (b) (ii) of the Act of 1985 and considering the quantify of ganja, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-