

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8381 of 2018**

1. Chandrika Singh, S/o late Shri Tileshwar Singh, aged about 60 years, Caste Paswan, R/o Gopalganj Ward No.12, Police Station Gopalganj, District Gopalganj Bihar Civil and Revenue District Gopalganj Bihar.
 2. Raj Kumar Mahto, S/o Shri Hiralal Mahto, aged about 28 years, R/o Budidalam, P.S. Uchaikot District Gopalganj Bihar, Civil and Revenue District Gopalganj (CG).
- Applicants**

Versus

State of Chhattisgarh, through Police Station Nagarnaar, District Bastar(CG).

---- Non-applicant

For Applicants	: Mr. Ajay Mishra, Advocate.
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.102/2017 registered at Police Station Nagarnaar, District Bastar for the offence punishable under Section 20(B) of NDPS Act.
3. Case of the prosecution, in brief is that on 09.05.2017 at Dhanpuji Forest barrier Assistant Sub Inspector Kishore Kumar Joshi has seized 9.9kg cannabis from Applicant No.1-Chandrika Singh and 8.4kg cannabis from Applicant No.2-Raj Kumar Mahto.
4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. He further submits that no criminal antecedent reported against the applicants in police case diary.
6. I have heard counsel for the parties and perused the case diary

with utmost circumspection.

7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the bail application is allowed.
8. It is directed that if the applicants furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-