

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8169 of 2017

Yogesh Ratre S/o Mahavir Ratre Satnami Aged About 21 Years R/o Akaltara Road, Baloda, Police Station - Baloda, District Janjgir Champa Chhattisgarh , Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh , Chhattisgarh

---- Respondent

And

MCRC No. 8170 of 2017

Bhima Kesari S/o Kamlesh Kesari, Aged About 20 Years R/o Bazarpara, Police Station Baloda, District Janjgir Champa Chhattisgarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/02/2018

Heard.

1. By this common order, both the applications are being disposed off as the

applicants in these bail applications have been arrested in connection with Crime No.83 of 2017 registered in Police Station- Kusmunda, Outpost- Hardi Bazar, District- Korba (C.G.) for alleged commission of offence under Section 20-B of the NDPS Act.

2. Case of the prosecution, in brief, is that from the possession of each of the applicant, *ganja* in the quantity of 2.715 k.g. and 2.840 k.g. respectively have been recovered.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and false seizure has been made. Seizure witnesses have been examined but they have not supported the case of the prosecution and turned hostile. Therefore, at this stage, when the applicants have remained in jail for more than 6 months and looking to the quantity of *ganja*, they may be granted bail.
4. On the other hand, learned counsel for the State would submit that even though the prosecution witnesses may not have supported the case, the Investigating Officer of the case is yet to be examined. Therefore, at this stage, the applicants may not be released on bail.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the quantity of *ganja* alleged to be recovered from the applicants, the period during which the applicants have remained in jail and the submission that seizure witnesses have turned hostile, both the applications are allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every

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date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen