

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8915 of 2018**

1. Delan Singh Patel S/o Karan Singh Patel Aged About 27 Years R/o Village Patharia Jaigan, P. S. Khimlasha, District Sagar Madhya Pradesh, District : Sagar, Madhya Pradesh
2. Badal Singh Lodhi S/o Mehtab Singh Lodhi Aged About 48 Years R/o Village Patharia Jaigan, P. S. Khimlasha, District Sagar Madhya Pradesh, District : Sagar, Madhya Pradesh
3. Rajendra Singh Lodhi S/o Harnaam Singh Aged About 27 Years R/o Village Khimlasa, Nai Basti, P. S. Khimlasa, District Sagar M. P., District : Sagar, Madhya Pradesh

---- Applicants**Versus**

- State Of Chhattisgarh Through P. S. Charama, Revenue And Civil District Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Non-applicant

For Applicants : Shri Raja Sharma, Advocate.

For Non-applicant : Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.12.2018**

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 learned counsel for the State in connection with crime No. 116/2018 registered at Police Station – Charama, Revenue And Civil District Bastar - Kanker (C.G.) for the offence punishable under Section 20(B) of NDPS Act.
3. Case of the prosecution, in brief is that on 18.07.2018 ASI Bhujbal Sahu, Charama seized 30.530 Kg cannabis from the possession of the applicants.

4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Counsel for the applicants further submitted that individually allegedly about 10 Kg cannabis has been seized from each applicant. The informant and the Investigating Officer are one person in the case in hand. As per the judicial precedent laid down by the Hon'ble Supreme Court, the entire investigation is vitiated. Thus, applicants may be released on bail.
7. There is no individual seizure. There is joint seizure from the applicants.
8. Looking to the facts and circumstances of the case, looking to the fact that allegedly investigation is vitiated, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE