

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3727 of 2019**

- Javed Khan @ Ashjad Khan S/o Ismile Khan Aged About 23 Years R/o Village-Sarsiva, Police Station- Sarsiva, District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Hasaud, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRC No. 3757 of 2019

1. Raja Sarthi S/o Laxman Aged About 31 Years R/o Sarsiva Police Station Sarsiva, District Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Uttam Kumar S/o Rishi Kumar Aged About 24 Years R/o Village Devarghata, Police Station Hasoud, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Arakshi Kendra Hasoud, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants : Shri Ravindra Sharma and Shri R. Pradhan, Advocates.

For Non-applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

28.06.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.

2. These are 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.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 78/2019 registered at Police Station – Hasaud District- Janjgir-Champa (C.G.) for the offence punishable under Section 20(B) of the NDPS Act.
4. Case of the prosecution, in brief is that on 16.05.2019 at village Dewarghata, Inspector V.N. Bharadwaj seized 900 gm cannabis from the possession of applicant Javad Khan @ Ashjad Khan, 1 kg cannabis from applicant Raja Sarthi and 1 kg cannabis from applicant Uttam Kumar.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. Looking to the facts and circumstances of the case, looking to the prima facie materials available on record against the applicants, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond of Rs. 25,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE