

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4103 of 2019**

1. Radheshyam, son of Kapil Manikpuri, aged about 49 years, Caste Panka, Resident of Village Girsha, Post Bonda, Thana and Tahsil Saraipali, District Mahasamund (CG).
2. Aanand Das, son of Babulal Das, aged about 32 years, Caste Panka, Resident of village Navrangpur, Thana and Tahsil Sarangarh, District Raigarh (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Basna, District Mahasamund (CG).

---- Non-applicant

For Applicants	: Mr. Vikash Pradhan, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.07.2019

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.265/2019 registered at Police Station Basna, District Mahasamund for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act.
3. Case of the prosecution, in brief is that on 27.05.2019 about 16.30 hrs near Surangi canal at village Sansula, Sub Inspector Hemlal Nag posted at police station Basna seized 5.35 kg cannabis from the joint possession of the applicants.

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. However, she submits that no criminal antecedent is reported against the applicants in police case diary.
6. 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. Accordingly, the bail application is allowed.
7. It is directed that if the applicants furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum of Rs.50,000/- each to the satisfaction of the concerned 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-