

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3990 of 2019

1. Mohan Pushkar, S/o Premnarayan, Aged About 39 Years, R/o Village Khokrakala, Police-Station-Kalapali, District-Sajapur, Madhya Pradesh.
2. Ram Babu Bhilala, S/o Harisingh, Aged About 45 Years, R/o Village Kohadi, Police-Station-Kalapali, District- Sajapur, Madhya Pradesh.
3. Jitendra Chandravanshi, S/o Sitaram Aged About 30 Years, R/o Village Kohadi, Police-Station-Kalapali, District- Sajapur, Madhya Pradesh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Singhoda, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Gurudev I. Sharan, Advocate.

For Respondent : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.03/2019 registered at Police Station–Singhoda, District–Mahasamund(C.G.) for the offence punishable under Sections 20(B) of the N.D.P.S. Act.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 07.01.2019. The applicants are innocent and have been falsely implicated in this case. The applicants have challenged the framing of charges against them in Criminal Revision No.827/2019, which has been entertained by the co-ordinate Bench of this Court and

stay order has been passed on 6.8.2019. The grounds of challenged of the applicants is based on the judgment of Supreme Court in ***Mohan Lal Vs. State of Punjab***, reported in ***AIR 2018 SC 3853***, therefore, as the trial against the applicants is stayed by the co-ordinate Bench of this Court, hence, it is prayed that they may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that commercial quantity of ganja has been recovered and seized from the possession of these applicants, hence, applicants are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, police personnels of Police-station-Singhoda, District-Mahasamund, made a seizure of 30 kg ganja, the narcotic substance from the joint possession of all the applicants. Hence, this case.
6. Considering that the trial against the applicants has been stayed by the co-ordinate Bench of this Court in the revision petition filed by them and, further, they are in jail since 8 months, for these reasons, I feel inclined to allow the application of this applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge