

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4668 of 2019**

1. Rohit Tandan, son of Santudas Tandan, aged about 33 years, R/o village Neharu Nagar Bhilai, Thana Supela, District Durg (CG).
2. Sanjay Sirmaur, son of Krisna Sirmaur, aged about 26 years, R/o village Basantpur, Post Mudiya Mohara, Thana Dongargarh, District Rajnandgaon (CG).

---- Applicants**Versus**

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

---- Non-applicant

For Applicants : Mr. Vikash Pradhan, Advocate.
 For Non-applicant : Mr. Dinesh Kumar Tiwari, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.08.2019**

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.151/2019 registered at Police Station Bagbahara, District Mahasamund for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substance Act.
3. Case of the prosecution, in brief is that on 15.06.2019 at about 10:35 hrs at Pithoura Chowk, Bagbahara, A.S.I. Tirthraj Gunendra posted at police station Bagbahara seized 10 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 bail application, however, he submits that no criminal antecedent is reported against the applicants.

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 to the satisfaction of the concerned Court with the condition that they shall appear before the concerned 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/-