

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5654 of 2019**

1. Sujit Burman S/o Suresh Burman, Aged About 30 Years R/o Village Bhirouni, P.S. Madhonagar, District- Katni, Madhya Pradesh.
2. Sonu Loniya S/o Ram Prasad, Aged About 19 Years, R/o Village Bhirouni, P.S. Madhonagar, District- Katni, Madhya Pradesh.

---- Petitioners**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Tarbahar, District- Bilaspur, Chhattisgarh.

---- Respondent**And****MCRC No. 5656 of 2019**

- Raju Miri S/o Sadhram Miri, Aged About 30 Years R/o Ganesh Nagar Chuchuhiyapara, P.S. Sirgitti, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through : P.S. Trabahar, District- Bilaspur, Chhattisgarh.

---- Respondent**And****MCRC No. 5701 of 2019**

- Vinod Kumar Loniya S/o - Samaylal Loniya, Aged About 32 Years, R/o - Village Amlai, District Shahdol Madhya Pradesh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Tarbahar, District Bilaspur Chhattisgarh

---- Respondent

For Applicants	:	Shri Rajeev Dubey, Advocate in MCRC No. 5654/2019 and 5701/2019 & Shri F.S. Khare in MCRC No.5656/2019.
For Respondent	:	Shri B.L. Sahu and Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

06/11/2019

1. Since the aforesaid bail applications arise out of the same crime number, they are being disposed of together by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.227/2019, registered at Police Station – Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 21 (B) of N.D.P.S. Act.
3. The prosecution story, in brief, is that the applicants were found in possession of 172 bottles of Onerex Syrup containing 30 grams of Codeine. Based on this, offence has been registered against the applicants. Applicants in MCRC No.5654/2019 and 5701/2019 have been taken into custody on 26.07.2019 and the applicant in MCRC No.5656/2019 has been taken into custody on 02.08.2019.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. They further submit that mandatory provisions of the NDPS Act has not been complied with in the present case.

They also submit that the applicants are in custody since 26.07.2019, 02.08.2019 and 26.07.2019 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case, and further considering the fact that the applicants in MCRC No.5654/2019 and 5701/2019 are in custody since 26.07.2019 and the applicant in MCRC No.5656/2019 is in custody since 02.08.2019, and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.1,00,000/- (Rs. One Lac only) each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge