

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6736 of 2019

- Surendra Sahu, S/o Panchram Sahu Aged About 22 Years R/o Lawan, Chauki Lawan, Thana Kasdol, District Balodabazar-Bhatapara Chhattisgarh
- Santosh Sahu S/o Nathuram Sahu Aged About 42 Years R/o Lawan, Chauki, Lawan, Thana Kasdol, District Balodabazar-Bhatapara Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol, Chauki-Lawan, District Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For Applicants	: Ms. Supriya Upasne, Advocate
For Respondent/State	: Shri Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/12/2019

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 716/2019 registered at police station Kasdol, Chauki Lawan, Baloda bazar, District Bhatapara (CG) for the offence punishable under Section 20(B) of the Narcotics Drugs and Psychotropic Substances Act.

As per case of the prosecution, on receiving secret information the police apprehended and seized 5 kgs. 114 grams of ganja from the possession of the applicants.

Counsel for the applicants submits that the applicants have been falsely implicated in the crime and the seized contraband was less than commercial quantity. He submits that the ingredients of alleged offence is not attracted against the applicants; the applicants are in jail since 3.10.19 and the trial may take some time for its disposal and therefore they may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the fact that the seized contraband was less than commercial quantity and that it is their first offence, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants furnishing a personal bond of Rs. 50,000/- with one surety each in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

Sd/-

(Rajani Dubey)
Judge