

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6872 of 2019**

1. Sushant Mandal S/o Shyamlal Mandal Aged About 26 Years R/o M.V. 49 P. Town, Kurkunda, P.S. - Malkangiri, District - Malkangiri Odissa., District : Malkangiri *, Orissa
2. Fakruddin Khan S/o Siddik Khan Aged About 36 Years R/o Jhopdi No 13, Bhawana J.J. Colony (Near School), P.S. - Narela, North West Delhi...(In Jail), District : New Delhi, Delhi

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station - Errabore, District - Sukma Chhattisgarh...(Non Applicant), District : Sukuma, Chhattisgarh

---- Respondent

For Applicants	:	Shri P.R. Patankar, Advocate.
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2019**

1. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.4/2018 registered at Police Station - Errabore, District Sukma(C.G.) for the offence punishable under Sections 20 (b) of the N.D.P.S. Act.
2. It is the case of the prosecution that on the basis of secret information, the police has seized 26.500 kg ganja from the joint possession of the applicants.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question and mandatory provisions of the N.D.P.S. Act have

not been complied with and the seizure witnesses have turned hostile. He further submits that as the applicants are in custody since 30.7.2018 and the trial is likely to take some time for its final disposal, they may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular, the quantity of ganja seized from the possession of the applicants and the seizure witnesses have turned hostile, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- with one local surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
7. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge