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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9171 of 2018

- Shubham Shukla S/o Harishchand Aged About 26 Years R/o Village Jagatpur, P. S. Utran, District - Allahabad, U. P.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

AND

MCRC No. 9742 of 2018

- Ajmer Singh S/o Kashiram, Aged About 48 Years, R/o Village Jora, Tahsil and Police Station Jora, District Muraina, Madhya Pradesh.

---- Applicant

Versus

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

---- Respondent

AND

MCRC No. 9449 of 2018

- Pankaj Singh S/o Shinath Singh Aged About 26 Years, R/o Ashok Nagar Ward No. 3 Raipur, Chhattisgarh Permanant R/o Village Semra, Police Station Khanpur, District Gajipur, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 9171/2018)	: Shri Dheerendra Pandey, Advocate.
For Applicant (In MCRC No. 9742/2018)	: Shri Sushil Dubey on behalf of Shri Aman Upadhyay, Advocate.
For Applicant (In MCRC No. 9449/2018)	: Shri Vaibhav A. Goverdhan, Adv.
For Respondent/State	: Shri S.K. Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/01/2019

1. Heard.

2. Since all the cases arise out of same Crime No., therefore, they are being disposed of by this common order.

3. The Applicants have preferred their first bail applications, (second bail application in MCRC No. 9742/2018) under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 361/2018, registered at Police Station – Bemetara, District- Bemetara, (C.G.) for the offence punishable under Section 20(B) of NDPS Act.

4. As per the prosecution story, on the basis of information received from an informant, police personnel searched the Applicants and seized 14 kg of cannabis (Ganja) from Ajmer Singh (in MCRC No. 9742/2018), 14 kg from Shubham Shukla (in MCRC No. 9171/2018) & 9 Kg from Pankaj Singh (in MCRC No. 9449/2018) from their possession. Also, 10 kg of cannabis has been seized from the possession of the co-accused Dheeraj Singh. On the basis of the said, offence has been registered against the present Applicants and they have been arrested on 12.07.2018.

5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that mandatory provisions of the act has not been complied with and co-accused namely Dheeraj Singh has already been granted bail by the Trial Court. They also states that the quantity of contraband cannabis seized from the Applicant is not

commercial. It is further submitted that the Applicants have no criminal antecedents, they are in custody since 12.07.2018 and trial will take time. Therefore, they may be enlarged on bail.

6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.

7. I have heard learned Counsel for the parties and perused the case diary.

8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedent, they are in custody since 12.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

9. Accordingly, the bail application is allowed.

10. It is directed that the Applicants namely Shubham Shukla (in MCRC No. 9171/2018) and Ajmer Singh (in MCRC No. 9742/2018) shall be released on bail on each of them executing a personal bond for a sum of Rs. 1,00,000/- with two local sureties each of Rs. 50,000/- and Applicant Pankaj Singh (in MCRC No. 9449/2018) on furnishing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash