

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 288 of 2020**

1. Rakesh Mahant S/o Nanki Dau Mahant Aged About 35 Years
R/o Railway Station, Near F. C. I. Godam, Bishrampur, Police
Station Bishrampur, Tahsil And District Surajpur Chhattisgarh,
District : Surajpur, Chhattisgarh
2. Sanny Paswan S/o Prabhunath Paswan Aged About 33 Years
R/o Village Keshavnagar, Lakdapara, Police Station
Bishrampur, Tahsil And District Surajpur Chhattisgarh, District
: Surajpur, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through The Station House Officer,
Police Station Bishrampur, District Surajpur Chhattisgarh,
District : Surajpur, Chhattisgarh

---- Respondent**MCRC No. 335 of 2020**

1. Ibrahim S/o Moinuddin Aged About 20 Years R/o Village
Datima, Police Chowki Karanji, Police Station Vishrampur,
Tehsil And District Surajpur., District : Surajpur, Chhattisgarh
2. Israj S/o Late Mo. Refa Aged About 28 Years R/o Village
Datima, Police Chowki Karanji, Police Station Vishrampur,
Tehsil And District Surajpur., District : Surajpur, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Vishrampur, District Surajpur Chhattisgarh., District :
Surajpur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Pawan Shrivastava, Advocate in MCRC No.335/2020 and on behalf of Shri Anil Gulati, Advocate in MCRC No.288/2020.
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/02/2020**

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.258/2019, registered at Police Station - Vishrampur, District Surajpur (C.G.) for the offence punishable under Sections 21 (C) of N.D.P.S. Act.
3. The prosecution story, in brief, is that the police of police station Vishrampur, acting on a tip-off, intercepted the applicants and seized 51 nos Avil injections, 65 nos Rexogesic injection, 21 strips of Spasmo Proxyvon Plus Tablet from dicky of Scooty which was being driven by applicants in MCRC No. 288/2020 and 100 nos Avil injections, 50 nos Rexogesic injection and 21 nos. Spasmo Proxyvon Plus Tablet from the motorcycle bearing registration No.CG-15-CB-9867 which was being driven by applicants in MCRC No.335/2020. Based on this, offence has been registered against the applicants. Applicants have been taken into custody on 05.11.2019.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that mandatory provisions of the NDPS Act has not been complied with in the present case. He also submits that the seized contraband is less than the commercial quantity. It is next submitted that the applicants are in custody since 05.11.2019, charge sheet has been filed and there is no likelihood of their cases being decided in near future. Therefore, they may be released on bail.
5. On the other hand, learned State counsel opposed the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicants are in custody since 05.11.2019, charge sheet

has been filed 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.50,000/- 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, till the final disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

Pekde