

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 802 of 2020**

1. Deva Golari S/o Gopal Golari Aged About 26 Years R/o Kumaharput Panchyat Bilaput, Police Station Machkund, District Koraput, Orissa., District : Koraput, Orissa
2. Lalit Kumhaar S/o Haribandhu Kumhaar Aged About 24 Years R/o Kumaharput, District Koraput, Orissa., District : Koraput, Orissa

---- Petitioners**Versus**

- State Of Chhattisgarh Through Police Station Thana Farasgaon, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

For Applicants	:	Shri Vikash A. Shrivastava, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/03/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.57/2019, registered at Police Station - Farasgaon, District Kondagaon (C.G.) for the offence punishable under Section 20(B) (II)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the applicants had sold 52.181 kilogram cannabis to other accused persons and they equally distributed the amount. Based on this, offence has been registered against the applicants. Present applicants have been taken into custody on 22.07.2019.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the contraband has not

been seized from the possession of the applicants and only cash has been recovered from them which is not sufficient to attract the provision of NDPS Act. He also submits that the applicants are in custody since 22.07.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, in particular only the cash has been seized from the applicants, and further considering the fact that the applicants are in custody since 22.07.2019, 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.
7. Accordingly, the bail application is allowed.
8. 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 local 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge